

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7494 of 2022

Lingaraj Jena @ Mitu Jena

....

Petitioner

Mr. A. Pr. Bose, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S. Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

20.07.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
4. The petitioner seeking pre-arrest bail in connection with G.R. Case No.561 of 2022 arising out of Nalanga P.S. Case No.108 of 2022 pending in the court of learned S.D.J.M., Nimapara for commission of offence punishable under Section 52(a) of the Orissa Excise Act.
5. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. It is further submitted by learned counsel for the petitioner that the injured sustained injuries are simple in nature.
6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioner. However, it is directed that in the event the petitioner

surrender before the learned court in seisin over the matter within a period of three weeks from today, he shall be released on bail on such terms and conditions as would be deemed just and proper.

7. It is further directed that the bail granted to the petitioner is subject to the condition that learned court below shall verify whether injuries sustained by the injured are grievous in nature or simple in nature. In the event it is found that the injury is grievous in nature, this bail order shall automatically stand revoked.

8. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

Jagabandhu

