

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7507 of 2022

***Butuli Das @ Santosh Das and
another*** ***Petitioners***

Mr. S. Pr. Dash, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. S. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

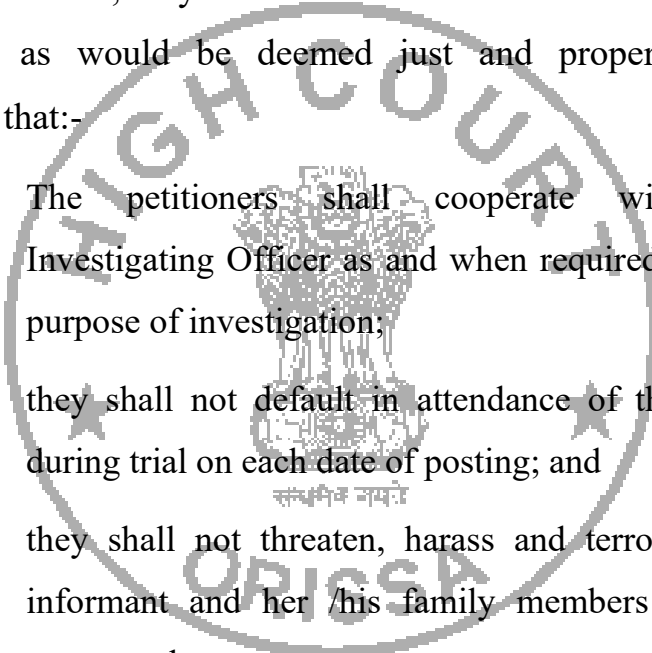
23.09.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
 3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
 4. The petitioners are seeking pre-arrest bail in connection with G.R. Case No.05 of 2022, arising out of Mahanga P.S. Case No.02 of 2022 pending in the court of learned J.M.F.C., Saleipur for commission of offences punishable under Sections 341/294/323/324/326/307/354/506/34, I.P.C.
 5. It is submitted by learned counsel for the petitioner that one Pahali Das is the principal accused, against whom the allegation of assault, made out. He further submits that the said principal accused assaulted the injured by means of an axe. So far as the present petitioners are concerned, they have ill-treated. Therefore, at best the

case under Section 354 and 506, I.P.C. cannot be made out against the petitioners. It is also submitted by learned counsel for the petitioner that the petitioners do not have any criminal antecedents of similar nature of offences.

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 petitioners. However, it is directed that in the event the petitioners surrender and move an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that:-

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- I. The petitioners shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
 - II. they shall not default in attendance of the court during trial on each date of posting; and
 - III. they shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever.

Violation of any of the terms and conditions shall entail cancellation of bail.

7. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge

