

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7763 of 2022

Akshya Kumar Nayak

.... ***Petitioner***
Mr. B. Pasayat, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S.K. Patra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.07.2022

Order No.

01. 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. Perused the F.I.R. case diary and other materials on record.
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 C.T. Case No.3681 of 2022, arising out of Kharbelnagar P.S. Case No.178 of 2022 pending in the court of learned S.D.J.M., Bhubaneswar for commission of offence punishable under Sections 341/323/294/427/452/34, I.P.C.
5. It is submitted by learned counsel for the petitioners that there was a civil dispute between the parties and as per order dated 16.09.2021 passed by the learned Civil Judge, Bhadrak in C.S. No.341 of 2021 particularly in an Interlocutory Application vide I.A. No.231 of 2021, with a prayer to pass an ad interim injunction order against the

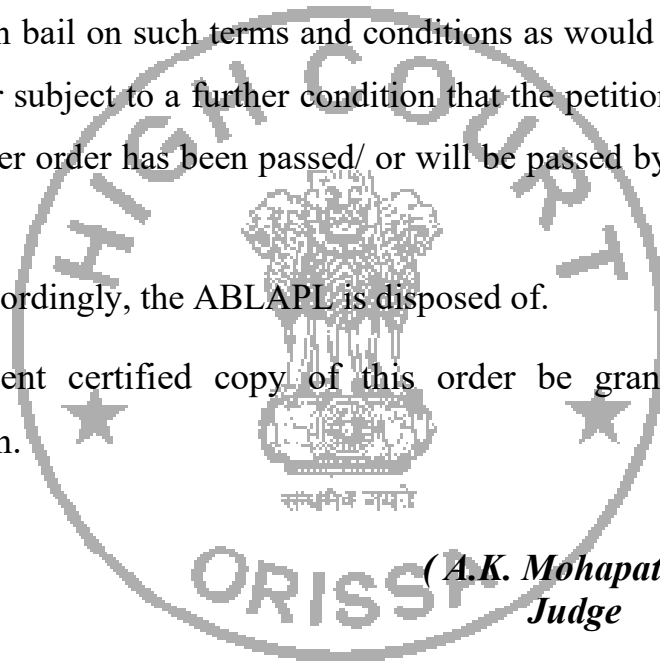
opposite party under Annexure-2, directing parties to main status quo. Further, learned counsel for the petitioner submits that the informant complained that the petitioners side has been restrained by the competent court. In view of such dispute, it is submitted that the petitioners have been falsely implicated in this case.

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 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 subject to a further condition that the petitioners shall abide by whatever order has been passed/ or will be passed by the competent court

7. Accordingly, the ABLAPL is disposed of.

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

Jagabandhu



(A.K. Mohapatra)
Judge