

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7792 of 2022

Susanta Kumar Mohapatra ***Petitioner***
Ms. Tara Prasad Mohapatra, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr. Sitikant Mishra, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

ORDER
25.08.2022

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 498-A/304-B/302/506/34, I.P.C. and Section 4 of D.P. Act.
4. It is stated by learned counsel for the Petitioner that the Petitioner is a government servant and he has been falsely implicated in the present case. He further submits that some of the co-accused persons have already been released on bail.
5. Considering such submission, seriousness of the allegation, gravity of the offence and facts of the case and considering the fact that this is a case of the year 2010, although I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that,

in the event the Petitioner surrenders and moves for bail before the learned Ad hoc Addl. Sessions Judge, Puri in S.T. Case No.75/236 of 2010, corresponding to Brahmagiri P.S. Case No.54 of 2010, within a period of three weeks from today, he shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case.

While imposing conditions for bail, learned Ad hoc Addl. Sessions Judge, Puri shall also impose the following conditions –

- (i) The Petitioner shall not threaten, terrorise, ill-treat or harass the Informant and his family members as well as the prosecution witnesses in any manner whatsoever;
- (ii) He shall not try to tamper with the prosecution evidence in any manner whatsoever;
- (iii) He shall appear before the I.O. and shall cooperate with the investigation as and when required.
- (iv) They shall also appear before the learned trial court on each date of trial, without fail.

Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

- 6. The ABLAPL is disposed of accordingly.
- 7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge