

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16591 of 2022

Godabari Jena & Others

....

Petitioners

Mr. Suresh Kumar Jena, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

04.01.2023

Order No.

01.

1. Heard the learned counsels for the Petitioners and the State.

2. By means of this application, the Petitioners seek grant of bail U/s.438 Cr.P.C. in apprehension of arrest for their alleged involvement in the offences U/s. 341/294/354/323/325/307/506/34, I.P.C. in connection with Dhamnagar P.S. Case No.452 of 2022 corresponding to G.R. Case No.321 of 2022 pending in the court of learned J.M.F.C., Dhamnagar.

3. It is submitted by learned counsel for the Petitioners that, pursuant to the use of passage for carrying paddy crops to the backyard of the house, there ensued quarrel between the parties leading to the assault and injuries.

4. Regard being had to the submission of the learned counsel for the Petitioners, nature of allegations, the circumstances appearing and the seriousness and gravity of the offences, while this court is not inclined to grant anticipatory bail, it is directed that, in the event the Petitioners surrender and move for bail before the learned J.M.F.C., Dhamnagar in the aforesaid G.R. Case within a period of three

weeks from today, they shall be allowed to go on bail on such terms and conditions as would be deemed just and proper by the said court, but subject to verification of Criminal Antecedents of the Petitioners and the injuries if not found grievous.

5. If it is found that there is criminal antecedent to the credit of the present Petitioners or the injuries to be grievous, this order shall not be given effect to. However, if the learned Magistrate is satisfied that there is no other criminal antecedent against the present Petitioners and the injuries to be not grievous and admits the Petitioners to bail, the following further conditions be imposed –

- (i) The Petitioners shall appear before the I.O. and shall cooperate with the investigation as and when required;
- (ii) They shall appear in person before the trial court on each date of posting of the case unless specifically exempted by the court concerned.
- (iii) They shall not threaten, intimidate, terrorise or harass the informant party members including the prosecution witnesses in any manner and shall not tamper with the prosecution evidence in any manner whatsoever, while on bail.
- (iv) They shall not involve in any other offence or criminal activities of similar nature to the present case in any manner whatsoever, while on bail.
- (v) Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

6. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge