

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8285 of 2022

Nrushingha Charana Jena

.... ***Petitioner***
Mr.C.R.Swain, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr.S.Mishra, A.S.C..

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

25.08.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner and the learned Additional Government Advocate. Perused the records.
 3. This is an application under Section 438 Cr.P.C. filed by the Petitioner for anticipatory bail.
 4. It is submitted by the learned counsel for the Petitioner that initially the Petitioner was not named in the F.I.R., however, his name has been added later on in the charge sheet. It is further found that in the preliminary charge sheet, the name of the Petitioner was not there, but in the final Charge Sheet, the police added the name of the present Petitioner. There is no material against the Petitioner to implicate him in the present crime. He further submits that the main

assailant Narayan Sethi has been arrested and on the basis of his confessional statement, some co-accused persons have been arrested, those who were present at the spot. Further, on the basis of the co-accused statement the weapon of offence have already been recovered and seized by the Police. It is further submitted by the learned counsel for the Petitioner that some co-accused persons have already been released on bail, who are similarly placed with the present Petitioner.

5. Considering the nature of allegations made, gravity of the offence and the facts of the case, I am not inclined to grant anticipatory bail to the Petitioner. However, it is directed that in the event the Petitioner surrenders before the learned S.D.J.M., Bhubaneswar in C.T. Case No. 5358 of 2021 arising out of Bharatpur P.S. Case No. 341 of 2021 within a period of three weeks from today and moves for bail, he shall be released on bail on such terms and conditions as would be deemed just and proper by the learned Magistrate with further conditions that the Petitioner shall appear before the trial court on each and every date fixed and shall not tamper with the evidence of the prosecution and shall not threaten, influence or terrorise the prosecution witnesses in any manner whatsoever. Violation of conditions shall entail cancellation of bail.

6. Accordingly, the ABLAPL is disposed of.

7. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge