

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8344 of 2022

Biswanath Naik @ Bishu and others ***Petitioners***
Mr. S.K. Jena, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

27.07.2022

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.
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.1304 of 2022, arising out of Samal Barrage P.S. Case No.152 of 2022 pending in the court of learned S.D.J.M., Talcher for commission of offence punishable under Sections 452/341/294/323/307/506/34, I.P.C.
5. It is submitted learned counsel for the petitioners that the petitioners have falsely implicated in the case and they have not 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 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 condition that petitioners shall not harass, torture, threaten or terrorize the informant and his/her family members in any manner whatsoever.

7. It is further directed that the bail granted to the petitioners is subject to the condition that learned court below shall verify whether injuries sustained by the injured are grievous in nature or simple in nature. In the event it is found that the injury is grievous in nature, this bail order shall automatically stand revoked.

8. Accordingly, the ABLAPL is disposed of.

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

(*A.K. Mohapatra*)
Judge

Jagabandhu

