

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8472 of 2022

Niranjan Kanhar

.... ***Petitioner***
Mr. P.K.Dash, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr.M.K.Mohanty. A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

30.08.2022

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 Standing Counsel. 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 there is no allegation of any assault so far as the present Petitioner is concerned. He also submits that although the case was registered under section 304/34 of the Indian Penal Code the same was later on converted to a case under section 302 of the Indian Penal Code.
 5. Learned Additional Standing Counsel on the other hand referring to the statement of the husband of the victim submits that

the husband of the victim is an eye witness and he has stated in his statement that Ranjan Kanhar fired bullet aiming at a wild animal which hit the deceased as a result of which the deceased succumbed to injury.

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., Phulbani in C.T.Case No.662 of 2021 arising out of Khajuripada P.S.Case No.135 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 while on bail shall cooperate with the investigation and appear before the I.O. as and when required. He shall also appear before the trial court on each and every date fixed. The Petitioner shall not tamper with the prosecution evidence and shall not threaten, influence, terrorise or harass the prosecution witnesses in any manner whatsoever, while on bail. Violation of conditions shall entail cancellation of bail.

7. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge