

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8625 of 2022

Babu Swain

....

Petitioner

Mr.Pratap Kumar Nayak, Advocate

-versus-

State of Odisha

....

Opp.Party

Mr.Sitikanta Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

29.07.2022

Order No.

01. 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 the trial faced by some co-accused persons has been concluded and judgment delibered. While acquitting the co-accused persons learned Sessions Judge specially observed in the judgment that death was caused due to accident and the same is not homicidal. Further, on perusal of the record, it appears that trial against the Petitioner is pending since long.
5. Considering the nature of allegations made, gravity of the offence and the fact 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., Banki in G.R.Case No. 44 of 2018 arising out of Banki P.S.Case No.34 of 2018 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 the further condition that the Petitioner shall appear before the trial Court on each and every date fixed without fail. Violation of any of the conditions shall entail cancellation of the bail application.

6. The ABLAPL is accordingly disposed of.
7. Issue urgent certified copy of the order as per Rules.



RKS