

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8637 of 2022

Ganesh Kumar Das

.... ***Petitioner***
Mr. S. Dwibedi, Advocate

-versus-

State of Odisha

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

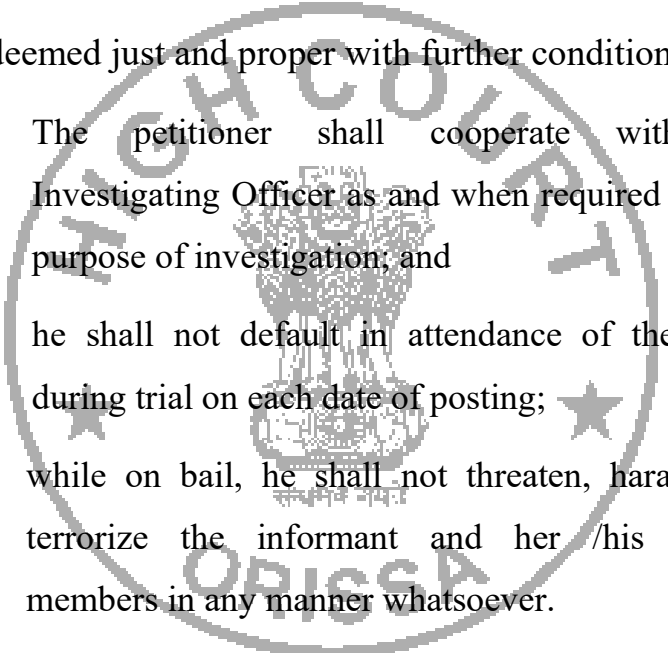
05.09.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
 3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
 4. The petitioner is seeking pre-arrest bail in connection with C.T. Case No.537 of 2022, arising out of Khantapata P.S. Case No.170 of 2022 pending in the court of learned J.M.F.C.(R), Balasore for commission of offence punishable under Sections 294/427/506/354/302/34, I.P.C.
 5. It is submitted by learned counsel for the petitioner that the petitioner has not been named in the F.I.R. He further submits that twelve accused persons have been specifically named in the F.I.R. It is further submitted by learned counsel for the petitioner that one Ramani and Sridhar are the principal accused persons.

6. On perusal of the F.I.R. it is also seen that accused Ramani had assaulted the husband of the informant as a result of which, the injured succumbed to the injuries and none of the witnesses have named the present petitioner.

7. Considering the nature of allegation, gravity of 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 and moves before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, he shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that :-

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- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation; and
 - II. he shall not default in attendance of the court during trial on each date of posting;
 - III. while on bail, he shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever.

Violation of any of the terms and conditions shall entail cancellation of bail.

8. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge

