

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8742 of 2022

Brahmananda Jena

....

Petitioner

Mr. Biplab P.B. Bahali, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. M.K. Mohanty, A.S.C.

*Mr. S. Panda, Advocate for the
Informant*

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 G.R. Case No.1083 of 2022, arising out of Nuagaon P.S. Case No.156 of 2022 pending in the court of learned S.D.J.M., Jagatsinghpur for commission of offence punishable under Sections 448/294/323/325/307/379/506/34, I.P.C.
5. It is submitted by learned counsel for the petitioner that there is a dispute between the parties with regard to property as a result of which both the groups sustained injuries. It is further submitted by learned counsel for the petitioner that there is case and counter case between the parties. It is also submitted by learned counsel for the

petitioner that some of the co-accused persons have already been released on bail by this Court in ABLAPL No.8697 of 2022 vide order dated 25.08.2022.

6. Considering the nature of allegation, gravity of 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 and moves an application for bail before the learned court in seisin over the matter within a period of three weeks from today, petitioner shall be released on bail on such terms and conditions as would be deemed just and proper subject to further conditions that :-

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

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

7. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge