

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8772 of 2022

***Debasish Jena @ Debu @ Debasis
Jena & another***

....

Petitioners

Mr. Jayanta Kumar Majhi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashank Patra, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
01.08.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 294/307/427/506/34, I.P.C.
4. Considering the nature of allegation, gravity of the offence and facts of the case, although I am not inclined to grant anticipatory bail to the Petitioners, however it is observed that, in the event the Petitioners surrender before the learned J.M.F.C. (R), Balasore in C.T. Case No.520 of 2022 corresponding to Balasore Sadar P.S Case No.190 of 2022 within a period of three weeks from today, the Petitioners shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and

circumstances of the case, but subject to verification of criminal antecedents of similar nature against the Petitioner as well as subject to verification of injury report. If it is found that there is more than two criminal antecedents of similar nature against the Petitioners, then this bail order shall not be given effect to. Similarly, if the injuries caused to the victim are found to be grievous in nature, then also this bail order shall not be given effect to.

Further, while imposing conditions for bail, learned Magistrate shall also impose condition whereby the Petitioners shall be restrained from threatening, harassing or terrorizing the informant and his family members in any manner whatsoever.

Violation of any of the conditions shall entail cancellation of bail of the Petitioners.

5. The ABLAPL is disposed of accordingly.
6. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge