IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8803 of 2022

Mahendra Kumar Sahani @ Babu .... ***Petitioner***
Mr. Santosh Kumar Mohanty, Advocate

-versus-

State of Odisha .... ***Opp.Party***
Mr.P.K.Rout, A.S.C.
Mr.R.C.Swain, Advocate for informant

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

Order No. **02.08.2022**

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 Petitioner is an innocent person and has been falsely implicated in this case on the basis of omnibus allegation. It is further submitted by the learned counsel for the Petitioner that on perusal of the the contents of the F.I.R. and the statements of the prosecution witnesses it is found no prima facie case is made out against the Petitioner.

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 J.M.F.C., Salipur in

G.R.Case No.573 of 2022 arising out of Mahanga P.S.Case No.159 of 2022 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 and subject to verification of injury and criminal antecedent of similar nature against the Petitioner. It is also directed that the Petitioner shall not threaten, terrorise or cause any hindrance to the informant. In the event it is found that the Petitioner is indulged in such activities, this order shall stand revoked.

6. The ABLAPL is accordingly disposed of.

7. Issue urgent certified copy of the order as per Rules.

(A.K. Mohapatra)
Judge

RKS