

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8852 of 2022

Bhimasen Jena @ Bhima Jena ***Petitioner***
Mr. Ghanashyam Muduli, Advocate
-versus-

State of Odisha ***Opp. Party***

Mr. S. Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

02.08.2022

Order No.

01. 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.4278 of 2022, arising out of Capital P.S. No.326 of 2022 pending in the court of learned S.D.J.M., Bhubaneswar for commission of offence punishable under Sections 341/294/325/307, I.P.C.
5. It is submitted by learned counsel for the petitioner that both the petitioner and the informant are auto drivers. Due to some previous disputes, they were assaulted each other as a result of which both of them sustained injuries.
6. Considering the nature of allegation, gravity of offence and

seriousness of 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 an application for bail 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.

7. It is further directed that the bail granted to the petitioner is subject to the condition that learned court below shall verify whether injuries sustained by the injured are grievous in nature or simple in nature. In the event it is found that the injury is grievous in nature, this bail order shall automatically stand revoked.

8. Accordingly, the ABLAPL is disposed of.

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

