

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8901 of 2022

Debi Prasad Badajena @ Felu

Petitioner

....

Ms. D.R.Nanda, Advocate

-versus-

State of Odisha

....

Opposite Party

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

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

**ORDER
23.09.2022**

Order No.

05. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 341, 323, 324, 325, 294, 307, 394, 506/34 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that so far as the Petitioner petition is concerned, the allegation is that he dealt blow on the injured on his hand by means of a sword, as a result of which the injured sustained injury. However, she further submits that the injuries are simple in nature.

5. Learned Additional Standing Counsel on the other hand produced the injury report prepared by Amri Hospital wherein it is stated that the nature of injuries shown to be grievous in nature.

6. Further, learned counsel for the Petitioner submits that the Petitioner has only one criminal antecedents for commission of offence under section 420 of the Indian Penal Code. She further submits that in the said case, the Petitioner has already been released on bail. It is further submitted by the learned counsel for the Petitioner that the injured is hale and hearty and moving around the locality.

7. Considering the seriousness of the allegation, gravity of the offence and the facts of the case, although I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned J.M.F.C.(O), Bhubaneswar in G.R. Case No.771 of 2022 arising out of Balipatna P.S. Case No.182 of 2022 within a period of three weeks from today, he 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.

While imposing conditions for bail, learned Magistrate shall also impose the following additional conditions –

- (i) The Petitioner shall appear before the I.O. and shall cooperate with the investigation as and when required by the I.O.;
- (ii) He shall not threaten, influence, terrorise or harass the informant and his family members in any manner whatsoever.

- (iii) He shall appear before the concerned Police Station once in a week preferably on Sunday between 10 A.M. to 1 P.M. till completion of investigation and once in a fortnight preferably on Sunday between 10 A.M. to 1 P.M. till completion of trial.

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

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

(A.K. Mohapatra)
Judge

RKS

