

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8979 of 2022

Samir Kumar Swain @ Barik ***Petitioner***
Mr. Susanta Kumar Lenka, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr. Sitikant Mishra, A.S.C.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
03.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 435/307/34, I.P.C.
4. Learned counsel for the Petitioner submits that, no case under Section 307, I.P.C. is made out against the Petitioner in the present case. He further contended that the co-accused standing in the similar footing has already been released on anticipatory bail by this Court in ABLAPL No.8715 of 2022 vide order dated 01.08.2022.
5. 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 Petitioner, however it is observed that, in the event the

Petitioner surrenders before the learned S.D.J.M., Bhubaneswar in C.T. Case No.3766 of 2022 corresponding to Khandagiri P.S. Case No.326 of 2022 within a period of three weeks from today, the Petitioner 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 Injury Report. If it is found that the injuries caused to the victim are grievous in nature, then this bail order shall stand automatically revoked.

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

(A.K. Mohapatra)
Judge

