

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9010 of 2022

Arun Chinker Pattanaik

....

Petitioner

Ms. Deepanjali Sahu, Advocate

-versus-

State of Odisha

....

Opp. Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

26.08.2022

Order No.

02.

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.19 of 2022, arising out of Bharatpur P.S. Case No.341 of 2022 pending in the court of learned 3rd Additional Sessions Judge, Bhubaneswar for commission of offence punishable under Sections 302/34, I.P.C.
5. It is submitted learned counsel for the petitioner that although the petitioner was not named in the F.I.R., he did not participated in the alleged crime and the petitioner was present at the spot. It is further submitted by learned counsel for the petitioner that one Narayan Sethi @ Butu assaulted the victim by means of iron rod as a

result of which the victim sustained bleeding injuries and taken to hospital where he succumbed to injury twenty days after.

6. Further, it is submitted by learned counsel for the petitioner that said Narayan Sethi @ Butu has been arrested and released on bail. It is also submitted that initially, the case was registered under Section 307. I.P.C. but subsequently, the case turned to under Section 302, I.P.C.

7. Learned counsel for the State opposes the prayer for bail and on the other hand, submits that if the petitioner released on bail, trial of the case may be jeopardized.

8. Considering the nature of allegation, gravity of offence and the fact of the case and the main assailant released on bail, 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 with further conditions that :-

- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
- II. he shall not default in attendance of the court during trial on each date of posting;
- III. while on bail, he shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever; and
- IV. he shall not indulge in similar criminal activities,

while on bail.

Violation of any of the terms and conditions shall entail cancellation of bail.

9. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge

Jagabandhu

