

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9031 of 2022

Sk. Makadum Ali @ Makdum Ali ***Petitioners***
and another

Mr. J. Kamila, 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 petitioners and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners are seeking pre-arrest bail in connection with C.T. Case No.686 of 2022, arising out of Chandipur P.S. Case No.74 of 2022 pending in the court of learned S.D.J.M., Balasore for commission of offence punishable under Sections 448/323/324/307/379/34, I.P.C.
5. It is submitted learned counsel for the petitioners that there was a civil dispute between the parties scuffled took place as a result of which some persons sustained injuries. It is further submitted that the injuries sustained by the injured are simple in nature and also there is case and counter case has been filed either side.

6. 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 petitioners. However, it is directed that in the event the petitioners surrender and move 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, they shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that :-

- I. The petitioners shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
- II. they shall not default in attendance of the court during trial on each date of posting;
- III. they shall not tamper with the prosecution witnesses in any manner whatsoever;
- IV. they shall maintain peace and tranquility in the locality; and
- V. while on bail, they shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever;

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

