

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9056 of 2022

Siva Prasad Mangaraj

....

Petitioner

Mr. S.K. Pattanayak, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

25.08.2022

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 Government Advocate 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 G.R. Case No.486 of 2022, arising out of Chandaka P.S. Case No. 100 of 2022, pending in the court of learned J.M.F.C.(O), Bhubaneswar, for commission of offences punishable under Section 394 of I.P.C.
 5. It is submitted by learned counsel for the petitioner that the principal accused namely Haria has been arrested and released on bail. So far as the present petitioner is concerned, it is stated that there is no allegation of assault against the present petitioner. Further, it is stated that the petitioner does not have any criminal antecedent.
 6. Considering the nature of allegations and gravity of offence and the facts of the case, 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 court in seisin over the matter 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 fit and proper, subject to verification of Injury Report as well as the criminal antecedent against the petitioner.

7. It is further directed that the bail granted to the petitioner is subject to condition that:-

- I. the petitioner shall not threaten, terrorize, harass the informant and his family members in any manner whatsoever; and
- II. he shall cooperate with the investigation and shall appear before the I.O. as and when required for the purpose of investigation and also appear before the learned trial Court on each and every date fixed without fail.

Violation of such terms and conditions shall entail cancellation of bail application.

8. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge

Jagabandhu