

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9071 of 2022

Nabu Mian @ Nabua Khan and others ***Petitioners***

Mr. S.N. Mishra-4, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. P.K. Rout, A.G.A.

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 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 G.R. Case No.648 of 2022, arising out of Basudevpur P.S. Case No.310 of 2022 pending in the court of learned J.M.F.C., Basudevpur for commission of offence punishable under Sections 341/385/307/325/34, I.P.C.
5. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case. It is further submitted by learned counsel for the petitioners that the injuries sustained by the injured are simple in nature.
6. Considering the nature of allegation, gravity of offence and the

fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioners surrender 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.

7. It is further directed that the bail granted to the petitioners is subject to the condition that learned court below shall verify whether injuries sustained by the injured are grievous in nature. In the event it is found that the injury is grievous in nature, this bail order shall automatically stand revoked.

8. It is further directed that the bail granted to the petitioners shall also be subject to the condition that learned court below shall verify whether the petitioners have any criminal antecedents of similar nature. In the event it is found that the petitioners have any criminal antecedents of similar nature, this bail order shall automatically stand revoked.

9. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge