

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9249 of 2022

***Kapi @ Kapilendra Pradhan &
another***

.... ***Petitioners***

Mr. Laxmidhar Mahapatra, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. Sitikant Mishra, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
04.08.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 143/147/148/186/224/225/294/341/323/307/332/336/337/353/427/395/506/149, I.P.C.
4. Learned counsel for the Petitioners submits that the co-accused persons similarly situated with the present petitioners have already been released on bail. He further submits that though the Petitioners have not been named in the F.I.R., yet on the basis of the statement of the co-accused persons they have been implicated in this case. Learned counsel for the Petitioner further submits that the injuries sustained by the victim are simple in nature.

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 Petitioners, however it is observed that, in the event the Petitioners surrender before the learned J.M.F.C. (O), Bhubaneswar in G.R. Case No.569 of 2022 corresponding to Balipatna P.S. Case No.131 of 2022 within a period of three weeks from today, the Petitioners 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 criminal antecedents of the Petitioners as well as subject to verification of the Injury Report. If it is found that there is more than two criminal antecedent of similar nature against the Petitioners, then this bail order shall not be given effect to. Similarly, if the injuries caused to the victim are found to be grievous in nature, then also this bail order shall not be given effect to.

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge