IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9264 of 2022

Kamalsay Harijan .... ***Petitioner***

Mr. Anirudha Das, Advocate

-versus-

State of Odisha .... ***Opp. Party***

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

Order No. **30.08.2022**

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 G.R. Case No.266 of 2022, arising out of Kodinga P.S. Case No.26 of 2022 pending in the court of learned S.D.J.M., Nabarangpur for commission of offence punishable under Sections 341/294/323/325/ 307/506/34, I.P.C.

5. It is submitted by learned counsel for the petitioner that as per allegations made in the F.I.R., the assault dealt by the petitioner with fist blows to the informant. It is further submitted by learned counsel for the petitioner that the petitioner does not have any criminal antecedents.

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 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.

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

8. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge

Jagabandhu

HIGH COURT ORISSA