

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9382 of 2022

Kailas Sahu @ Kailash Sahu

.... ***Petitioner***
Mr. S.K. Joshi, 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 petitioner and learned 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 C.T. Case No.351 of 2022, arising out of Jonk P.S. Case No.139 of 2022 pending in the court of learned S.D.J.M., Nuapada for commission of offence punishable under Sections 147/148/342/420/323/307/379/506/149, I.P.C.
5. It is submitted by learned counsel for the petitioner that injuries sustained by the injured are simple in nature.
6. Learned counsel for the State confirms the injuries are simple in nature.
7. 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, the petitioner shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that :-

- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
- II. he shall not default in attendance of the court during trial on each date of posting;
- III. while on bail, he shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever; and
- IV. he shall not indulge in similar criminal activities, while on bail.

Violation of any of the terms and conditions shall entail cancellation of bail.

8. 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.

9. Accordingly, the ABLAPL is disposed of.

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

