

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9503 of 2022

Mirza Nasiruddin Baig and others ***Petitioner***
Mr. R.K. Mallick, Advocate

-versus-

State of Odisha and another ***Opp. Parties***
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
11.08.2022

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.473 of 2015, arising out of Mahanga P.S. Case No.93 of 2015 pending in the court of learned J.M.F.C., Salipur for commission of offence punishable under Sections 294/498-A/323/307/406/506/34, I.P.C. read with Section 4 of the D.P. Act.
5. It is submitted by learned counsel for the petitioners that on the self-same allegations and F.I.R. the petitioners had approached this court by filing an application vide ABLAPL No.11124 of 2015 and ABLAPL No.11178 of 2015, which are disposed vide order dated 03.09.2015 and 04.09.2015 respectively and the petitioners were

enlarged on bail by this Court.

6. However, on perusal of the order, it is seen that this Court observed that no offence under Section 307, I.P.C. is made out against the petitioners and the case has been initiated on the basis of private complaint. Later on, charge-sheet has been submitted adding the offence under Section 307, I.P.C. Hence the present case.

7. It is submitted by learned counsel for the petitioners that pertaining to the allegation made in the self-same F.I.R., the petitioners were earlier released on anticipatory bail and the present application has been filed apprehending arrest for the commission of offence under Section 307, I.P.C. adding while filing the charge-sheet.

8. 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 and move 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, they shall be released on bail on such terms and conditions as would be deemed just and proper.

9. 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.

10. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge

