

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9901 of 2022

Tarani Bhue & Others

Petitioners
....
Mr. Amit Pattnaik, Advocate

-versus-

State of Odisha

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

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

ORDER
22.08.2022

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 341/294/323/324/307/506/34, I.P.C.
4. It is submitted by learned counsel for the Petitioners that allegation of assault is against the principal accused namely Sanjaya Bhue, Jagannath Bhue and Panchanan Bhue. So far as the present Petitioners are concerned, only allegation against them is that they had assaulted the injured by fist blows. In such view of the matter it is stated that no case under Section 307, I.P.C. is made out against the present Petitioners. He further submits that the principal accused Sanjaya Bhue has been arrested and forwarded to judicial custody.

5. Considering such submissions, seriousness of the allegation, gravity of the offence and the 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 and move for bail before the learned S.D.J.M., Patnagarh in G.R. Case No.502 of 2022 corresponding to Larambha P.S. Case No.113 of 2022 within a period of three weeks from today, they 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 the further following conditions –

(i) That, while on bail, the Petitioners shall not threaten, terrorise, ill-treat or harass the Informant and her family members or any prosecution witnesses in any manner whatsoever;

(ii) They shall cooperate with the investigation by appearing before the I.O. as and when required for the purpose;

(iii) They shall also appear before the learned trial court on each date fixed for trial, without fail.

(iv) Violation of any of the conditions shall entail cancellation of bail of the Petitioners.

6. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge