

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9910 of 2022

Bijendra Kumar Samal

....

Petitioner

Mr. Jugala Kishore Panda, 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 Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 341/294/354-A/506/34, I.P.C. and Section 8 of the POCSO Act, 2012.
4. It is submitted by learned counsel for the Petitioner that the co-accused persons have been released on bail by this Court vide order dated 29.07.2022 passed in ABLAPL No.8675 of 2022. He further submits that the present Petitioner does not have any criminal antecedent of similar nature in his name.
5. Considering the seriousness of the allegation, gravity of the offence and the submission made by learned counsel for the

Petitioner that the Petitioner has no criminal antecedent of similar nature, although I am not inclined to grant anticipatory bail to the Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned S.D.J.M., Berhampur in G.R. Case No.98 of 2022 corresponding to Baidyanathpur P.S. Case No.233 of 2022 within a period of three weeks from today, he 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, the Petitioner shall not indulge in similar offence again, while on bail;

(ii) He shall cooperate in the investigation by appearing before the I.O. as and when required;

(iii) He shall not threaten, terrorise, ill-treat, harass the Informant and his family members in any manner and shall not tamper with the prosecution evidence in any manner whatsoever;

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

Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

6. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge