

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9916 of 2022

Rajkishore Biswal and ten Others ***Petitioners***
Mr. H.N. Mohapatra, 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 302/34, I.P.C.
4. It is submitted by learned counsel for the Petitioners that the son of the present Petitioner No.1 was brutally murdered, for which P.S. Case No.129 of 2022 has been registered under Section 302/34, I.P.C. He further submits that, since the present Petitioners along with the other co-villagers and relatives approached the police why investigation is not progressing and why police has not been able to apprehend the culprits, the present case has been falsely registered against the present Petitioners and the family members.

5. However, considering the aforesaid submissions, seriousness of the allegation and the gravity of the offence, 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 Nayadhikari, Grama Nayalaya, Brahmagiri in G.R. Case No.279 of 2022 corresponding to Brahmagiri P.S. Case No.130 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 verification of criminal antecedents of the Petitioners. If it is found that there is more than one criminal antecedent of similar nature against the Petitioners, then this bail order shall stand automatically revoked.

While imposing conditions for bail, the learned Magistrate shall also impose further following conditions –

(i) That, the Petitioners shall cooperate in the investigation by appearing before the I.O. as and when required;

(ii) They 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