

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9918 of 2022

Rashmi Ranjan Jena @ Buna

....

Petitioner

Mr. Debasnan Das, 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 294/323/326/307/506/34, I.P.C. and Sections 25 & 27 of Arms Act.
4. Considering the 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 Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned J.M.F.C., Niali in the case arising out of Niali P.S. Case No.322 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 verification of criminal antecedents of the Petitioner as well as verification of Injury Report. If the injuries are found to be grievous in nature, then this bail order shall stand revoked automatically. Likewise, if the Petitioner is found to have more than one criminal antecedent of similar nature, then also this bail order shall stand revoked automatically.

While imposing conditions for bail, learned Magistrate shall also impose 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