

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.9929 OF 2022

Sanyasi Behera

....

Petitioner

Mr. A.K. Mishra-3, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S. Jena, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

16.11.2022

Order No.

03.

1. This matter is taken up through hybrid arrangement (virtual/physical) mode.

2. Learned Counsel for the Petitioner submits that here in the case, this Petitioner is not the principal accused and the main allegation is against accused-Pratap Behera. It is submitted that since the Petitioner is the brother of that accused-Pratap, he has been unnecessarily arraigned in the case being falsely attributed with some roles. In view of all the above and in the absence of any such impediment; he urges for grant of anticipatory bail to the Petitioner.

3. Learned Counsel for the State does not dispute the position, the allegation with regard to commission of principal offence runs against accused Pratap. He, however, opposes the move in view of the role ascribed to this Petitioner.

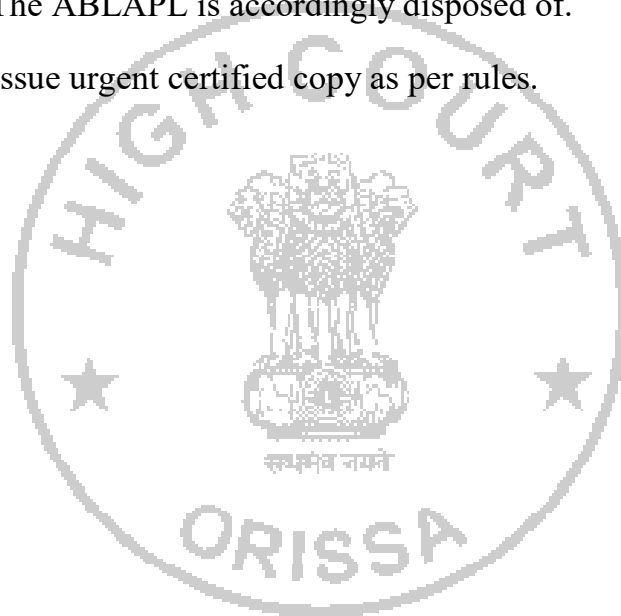
4. Considering the submissions and on going through the nature of accusations; further keeping in view the surrounding circumstances of the case as also concerning the Petitioner and in the absence of any other impediment, it is directed that in the event

the Petitioner surrenders before the Court in seisin of the case in connection with Odagaon P.S. Case No.61 of 2022 corresponding to G.R. Case No.98 of 2022 on the file of learned Nyayadhikari, Gram Nyayalaya-cum-J.M.F.C., Odagaon within three weeks hence and moves for his release on bail, he shall be released on bail on such terms and conditions as would be deemed just and proper by the said Court with further condition that he will not threaten or terrorize the prosecution witnesses including the victim in any manner.

5. The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

Narayan



**(D. Dash),
Judge.**