

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9966 of 2022

Kalu @ Kali Das and another ***Petitioners***
Mr. D. Routray, Advocate
-versus-
State of Odisha ***Opp. Party***
Mr. S.K. Patra, 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 Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners are seeking pre-arrest bail in connection with G.R. Case No.636 of 2022, arising out of Mahanga P.S. Case No.184 of 2022 pending in the court of learned J.M.F.C., Salepur for commission of offence punishable under Sections 341/323/294/354/324/506/325/34, I.P.C.
5. It is submitted by learned counsel for the petitioners that due to previous dispute between the parties, the present case has been foisted against the petitioners as a result of which there is case and counter case has been filed by either side. It is further submitted by learned counsel for the petitioners that the petitioner has only one case in similar nature of offences.

6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioners surrender and move an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper.

7. It is further directed that the bail granted to the petitioners is subject to the condition that learned court below shall verify whether the petitioners have more than one criminal antecedent of similar nature. In the event it is found that the petitioners have more than one criminal antecedent of similar nature, this bail order shall automatically stand revoked.

8. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(*A.K. Mohapatra*)
Judge