

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10028 of 2022

Upendra Kumar @ Babu Sahoo ***Petitioners***
and others

Mr. M.R. Mishra, *Advocate*

-versus-

State of Odisha ***Opp. Party***
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.08.2022

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 G.R. Case No.390 of 2008, arising out of Pattamundai P.S. Case No.178 of 2008 pending in the court of learned J.M.F.C., Pattamundai for commission of offence punishable under Sections 147/436/427/323/506/294/379/153-A/149 of I.P.C.
5. It is submitted by learned counsel for the petitioners that the F.I.R. has been lodged against the unknown accused persons in the year 2008 and the petitioners have been falsely implicated in the case and that the trial has not been commenced and final form has not been

submitted till December, 2021. It is further submitted by learned counsel for the petitioners that on similar footing with the present petitioners, another co-accused person has already been released on bail by this Court in ABLAPL No.7060 of 2022 dated 19.07.2022.

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 before the learned court in seisin over the matter within a period of three weeks from today, they shall be released on bail on such terms and conditions as would be deemed just and proper subject to conditions that they shall cooperate with the Investigating Officer as and when required for the purpose of investigation and they shall not default in attendance of the court during trial on each date of posting.

Violation of any of the terms and conditions shall entail cancellation of bail.

7. The trial court may impose any other condition(s) as deem fit and proper while releasing on bail to the petitioner.

8. Accordingly, the ABLAPL is disposed of.

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

Jagabandhu

(A.K. Mohapatra)
Judge