

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10068 of 2022

Abinash Pradhan @ Suin @ Muni Babu ***Petitioner***

Mr. A.K. Sahoo, Advocate

-versus-

State of Odisha

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

24.08.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
4. The petitioner is seeking pre-arrest bail in connection with G.R. Case No.249(A) of 2008, arising out of Raikia P.S. Case No.88 of 2008 pending in the court of learned J.M.F.C., G.Udayagiri for commission of offence punishable under Sections 147/148/380/436/435/323/506/149, I.P.C.
5. It is submitted by learned counsel for the petitioner that neither the name of the petitioner found place in the F.I.R. nor his name was not indicated as an accused in the form attached to the F.I.R. Further, he submits that the case is of the year 2008 and in the meantime, trial has been split up and some of the accused persons have been facing trial and have been acquitted in the case. So far as the present petitioner is

concerned. It is also submitted by learned counsel for the petitioner that the petitioner was not aware of initiation of the present case and he was staying away from his native place. Recently, the petitioner came to know about the present case and he has approached this Court by filing the present bail application for releasing him an anticipatory bail.

6. Further, it is submitted by leaned counsel for the petitioner that the petitioner innocent and he is no way connected in the alleged crime and the petitioner is ready and willing to abide any terms and conditions imposed by this Court.

7. Considering the nature of allegation, gravity of offence and the case is of the year 2008, I am not inclined to grant anticipatory bail to the petitioner. However, it is directed that in the event the petitioner surrenders and moves 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, he shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that:-

- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of the investigation;
- II. while on bail, he shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever;
- III. he shall not default in attendance of the court during trial on each date of posting; and
- IV. he shall appear before the concerned Police Station once in a fortnight preferably on Sunday in between 10 A.M. to 1 P.M. till conclusion of trial.

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

8. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge

Jagabandhu

