

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10291 of 2022

Mirza Dayan Beg

.... ***Petitioner***
Mr. S. Dwibedi, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S. Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

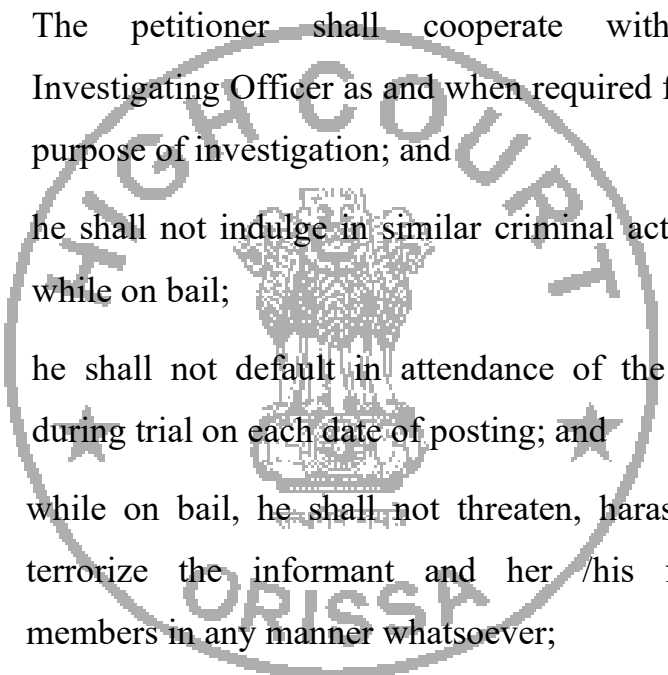
30.08.2022

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 C.T. Case No.1296 of 2022, arising out of Badachana P.S. Case No.240 of 2022 pending in the court of learned J.M.F.C., Chandikhole for commission of offence punishable under Sections 341/323/427/354-B/506/34, I.P.C.
5. It is submitted by learned counsel for the petitioner that there is a dispute with regard to boundary wall between the parties as a result of which scuffled took place between the parties. Further, it is submitted by learned counsel for the petitioner that there is a case and counter case has been filed between the parties. It is also submitted that the petitioner has been falsely implicated in the

present case.

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 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:-

- 
- The seal of the High Court of Orissa is a circular emblem. It features a central figure, likely a deity or a historical figure, seated on a throne. The figure is surrounded by a wreath. The words "HIGH COURT" are written in a semi-circle at the top, and "ORISSA" is written at the bottom. There are two stars on either side of the central figure.
- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation; and
 - II. he shall not indulge in similar criminal activities while on bail;
 - III. he shall not default in attendance of the court during trial on each date of posting; and
 - IV. while on bail, he shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever;

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

7. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge