

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10402 of 2022

Subash Nayak and others

Petitioners

....

Mr.A.S.Paul, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.Mishra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

21.09.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 341, 323, 325, 307, 294, 506/34 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioners that the allegations are omnibus in nature. Further, he submits that there is no specific allegation of any overt act, so far as the present Petitioners are concerned.
5. Learned Additional Standing Counsel on the other hand submits that the injuries are grievous in nature. However he does not disagree with the fact that there is no allegation of any assault against the Petitioners.

6. It is further humbly submitted by the learned counsel for the Petitioners are young boys and they have no criminal antecedents.

7. Considering the seriousness of the allegation, gravity of the offence and the facts of the case, although I am not inclined to grant anticipatory bail to the Petitioners, however it is observed that, in the event the Petitioners surrender and move for bail before the learned S.D.J.M., Khurda in G.R.Case No.1283 of 2022 arising out of Khurda Model P.S.Case No.385 of 2022 within a period of three weeks from today, they shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case, but subject to verification of criminal antecedents.

While imposing conditions for bail, learned Magistrate shall also impose the following additional conditions –

- (i) The Petitioners shall appear before the I.O. and shall cooperate with the investigation as and when required by the I.O.;
- (ii) They shall not threaten, influence, terrorise or harass the informant and the victim in any manner.
- (iii) They shall appear before the trial court on each and every date fixed.

Violation of any of the conditions shall entail cancellation of bail of the Petitioners.

5. The ABLAPL is disposed of accordingly.

6. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge