

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10410 of 2022

Asit Baran Biswal @ Bishwal ***Petitioner***
Mr. B.B. Routray, Advocate
-versus-
State of Odisha and another ***Opp. Parties***
Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

06.09.2022

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 I.C.C. Case No.14(B) of 1987, pending in the court of learned S.D.J.M., Jajpur for commission of offence punishable under Sections 147/148/380/436/149, I.P.C.
5. It is submitted by learned counsel for the petitioner that the present case arises out of a complaint case, which was registered in the year 1987 at that time the petitioner was working as Officer-in-Charge of Binjharpur Police Station. In the meantime, he has retired from service on attaining age of superannuation and that the petitioner has not arrested all these years. Further, learned counsel for the petitioner submits that instantly, N.B.W. has been issued

against the petitioner. In such view of the matter, the petitioner is apprehending the same and is filing 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 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 investigation; and
- II. he 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. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge