

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10561 of 2022

Trilochan Mallik & others

Petitioners

....

Mr. B.K.Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K.Mohanty, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
23.09.2022**

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, 294, 354, 324, 307/34 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioners that there exists a dispute between the Petitioners and the informant, as a result of which there was scuffle between the two groups. Thereafter, case and counter case has been filed by either side. So far as the present case is concerned, it is submitted that the injured sustained injury. However, he submits that the injured is hale and hearty. The Petitioner does not have criminal antecedents.

5. 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., Jajpur in C.T.Case No.1801 of 2022 arising out of Binjharpur P.S. Case No.473 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 injury and criminal antecedents of similar nature against the Petitioners. Case Diary, Injury Report and criminal antecedents of the Petitioners be made available on the date of surrender.

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 appear before the concerned Police Station once in a fortnight preferably on Sunday between 10 A.M. to 1 P.M. till conclusion of investigation.
- (iii) They shall not threaten, influence, terrorise or harass the informant and his family members in any manner whatsoever.
- (iv) 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 Petitioner.

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6. The ABLAPL is disposed of accordingly.
7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

RKS

