

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10674 of 2022

Badal Tahal & Others

....

Petitioners

Mr. Tara Prasad Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

08.09.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 294/448/323/354/354-B/506/34, I.P.C.
4. It is submitted by learned counsel for the Petitioners that there exists previous dispute between the parties, as a result of which both the groups indulged in free fights thereby resulting in lodging case and counter case against each other. He further submits that no injury has been caused to the injured and also the Petitioners does not have any criminal antecedent of similar nature.
5. Considering such submission, 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., Puri in G.R. Case No.1750 of 2022 corresponding to Krushnaprasad P.S. Case No.114 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.

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

- (i) The Petitioners shall not threaten, terrorise, ill-treat, harass or influence the informant and his family members and the prosecution witnesses in any manner whatsoever, while on bail by virtue of this order;
- (ii) They shall appear before the I.O. and shall cooperate with the investigation as and when required.
- (iii) They shall also appear before the learned trial court on each date of trial, without fail.

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

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

(A.K. Mohapatra)
Judge