

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10679 of 2022

Hero Kumar Bag

....

Petitioner

Mr. M.K. Chand, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

Order No.

ORDER
01.08.2023

I.A. No.847 of 2023

- 05.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner as well as learned counsel for the State.
 3. In view of the submissions made, the order dated 27.09.2022 is hereby recalled. Accordingly, the I.A. stands allowed.

(A.K. Mohapatra)
Judge

ABLAPL No.10679 of 2022

- 06.
4. Heard.
 5. The petitioner is seeking pre-arrest bail in connection with C.T. Case No.191 of 2022, arising out of Sinapali P.S. Case No.198 of 2022 pending in the court of learned J.M.F.C., Sinapali for commission of offence punishable under Sections 147/323/325/353/ 307/294/506/149,

I.P.C.

6. It is submitted by learned counsel for the petitioner that the petitioner was released on bail subject to verification of injuries sustained by the injured are grievous in nature. In the event it is found that the injury is grievous in nature, this bail order shall automatically stand revoked. He further submitted that as per medical examination report, it reveals that the injuries are grievous in nature and the victim is unable to work. However, the injury Nos.2 and 3 which are stated to be grievous are not vital part of the body of the victim.

7. Learned Additional Standing Counsel, on the other hand, opposes the bail application of the petitioner on the ground that the injuries as per medical examination report, out of three injuries to injuries are grievous in nature. Therefore, the petitioner may not be released on anticipatory bail.

8. Considering the submissions made by learned counsels for the respective parties, conspectus surrounding facts and circumstances of the case, nature of allegation, gravity of offence and the facts of the case, this court is of the view to modify the order dated 27.09.2022 to the extent that paragraph-9 be deleted in its place it be mentioned that the petitioner shall furnish cash security of Rs.7,500/- (rupees seven thousand five hundred) with further conditions that besides other conditions would be imposed by the learned court below while releasing the petitioner on bail with further conditions that :-

- I. The petitioner shall appear before the concerned Police Station once in a fortnight preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. for a period of two months and thereafter, once in a month till conclusion of trial.

Violation of any of the terms and conditions shall entail

cancellation of bail.

9. It is further directed that the bail granted to the petitioner is subject to depositing the cash of Rs.7,500/- (rupees seven thousand five hundred) before the learned court below, which shall be deposited in any Nationalized Bank in interest earning deposit initially for a period of one year renewable from time to time to be disburse the same final outcome of the result of the present case.

10. It is further directed that the bail granted to the petitioner is subject to the condition that learned court below shall verify whether the petitioner has more than three criminal antecedents of similar nature. In the event it is found that the petitioner has more than three any criminal antecedents of similar nature, this bail order shall automatically stand revoked.

11. Four weeks' further time from today is extended for the petitioner to surrender before the learned court below, vide order dated 27.09.2022 passed in ABLAPL No.10679 of 2022, but subject to depositing cost of Rs.1000/- (Rupees one thousand) in the Advocates' Welfare Fund of Orissa High Court Bar Association within fifteen days and furnishing money receipt thereof in proof of deposit.

12. It is made clear that, if the cost is not deposited within the stipulated time, time extended for the petitioner to surrender shall stand revoked automatically.

13. The ABLAPL is accordingly disposed of.

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

Signature Not Verified

Digitally Signed
Signed by: JAGABANDHU BEHERA
Designation: Secretary-in-Charge
Reason: Authentication
Location: ohc, Cuttack
Date: 02-Aug-2023 10:56:07



(A.K. Mohapatra)
Judge