

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10942 of 2022

***Dati Apu Badamajhi @ Nabayat
Badamajhi***

Petitioner

....
Mr.Chhabi Behera, 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 Petitioner, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 464(A), 120(B), 109 of the Indian Penal Code read with Sectyion 25(a) of Arms Act.
4. It is submitted by the learned counsel for the Petitioner that trial in respect of some of the accused persons have been taken place in the meantime. He further submits that in S.T.No.39 of 2018 eight persons have faced trial and have been acquitted by the learned Additional Sessions Judge, Parlakhemundi. Further, learned counsel for the Petitioner submits that there is no direct allegation against the

Petitioner for commission of the alleged offence under section 364(A) of the Indian Penal Code.

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 Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned J.M.F.C., Mohana in G.R.Case No.131 of 2022 (A) arising out of Adava P.S.Case No.27 of 2022 within a period of three weeks from today, he 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 Petitioner shall appear before the trial court on each and every date fixed without fail;
- (ii) He shall not threaten, influence, terrorise the prosecution witnesses and shall not tamper with the evidences while on bail.

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

6. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge