

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.10951 of 2022

***Akhil Kumar Swain @ Akhila
Swain and others***

....

Petitioners

Mr. P.C. Jena, Advocate

-versus-

State of Odisha

....

Opp. Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

12.09.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.

3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.

4. The petitioners are seeking pre-arrest bail in connection with G.R. Case No.929 of 2017, arising out of Jankia P.S. Case No.153 of 2017 pending in the court of learned S.D.J.M., Khurda for commission of offences punishable under Sections 341/294/323/324/506/34, I.P.C.

5. It is submitted by learned counsel for the petitioners that earlier the petitioners were released on anticipatory by this Court in ABLAPL No.14766 of 2017 vide order dated 14.09.2017. It is further submitted by learned counsel for the petitioners that in the meantime, charge-sheet has been submitted adding the offence punishable under Sections 306/307, I.P.C. It is also submitted that

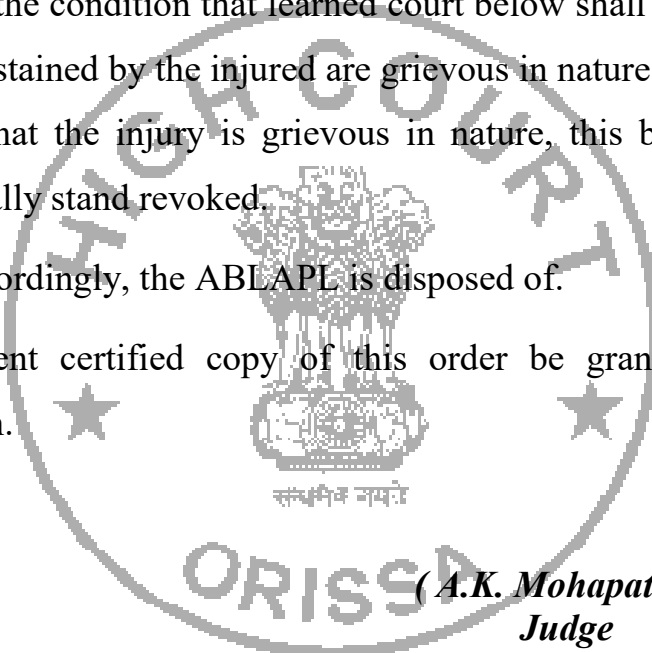
the injuries sustained by the injured are simple in nature.

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 petitioners. However, it is directed that in the event the petitioners surrender and move an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper.

7. It is further directed that the bail granted to the petitioners is subject to the condition that learned court below shall verify whether 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.

8. Accordingly, the ABLAPL is disposed of.

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



(A.K. Mohapatra)
Judge