

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11004 of 2022

Biswambhar Das & Others

....

Petitioners

Mr. Bishnu Brata Singh, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashank Patra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

13.09.2022

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 341/323/294/354/307/34, I.P.C.
4. Learned counsel for the Petitioners submits that the present dispute arose out of the matrimonial dispute. He further submits that the nephew of the Informant has married to the daughter of Petitioner No.2. Due to disturbance in their marital life, divorce proceeding vide DV Case No.414 of 2021 has been filed against the Informant which is pending before the learned S.D.J.M., Bhadrak. The present F.I.R. has been lodged by the Informant as a counterblast to the

aforesaid DV Case. Learned counsel for the Petitioners further submits that the injuries caused to the injured are simple in nature.

5. Considering the aforesaid submissions, 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., Bhadrak in G.R. Case No.2330 of 2022 corresponding to Bhandaripokhari P.S. Case No.318 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 Report. If the injuries caused to the injured are found to be grievous in nature, then this bail order shall stand automatically revoked.

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

- (i) The Petitioners shall not threaten, terrorise, ill-treat or harass the Informant and his family members as well as 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 by the I.O.
- (iii) They shall also appear before the learned trial court on each date fixed for 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

S.K.Parida

