

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11014 of 2022

Amit Tiwari

Petitioner

....

Mr.M.K.Rath, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.P.K.Rout, A.G.A..

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

01.11.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, learned Addl. Government Advocate for the State. Perused the records.
3. Considering the submissions, the order dated 13.09.2022 passed in ABLAPL No.11014 of 2022 is recalled and the following order is passed.
4. This is an application under Section 438 Cr.P.C. filed by the Petitioner for anticipatory bail involving offence punishable under Sections 341, 294, 323, 506/34 of the Indian Penal Code.
5. It is submitted by the learned counsel for the Petitioner that although the case was registered under Sections 341, 294, 323, 506/34 of the Indian Penal Code, however, the Police subsequently added Section 307 of the Indian Penal Code.
6. 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., Rajgangpur in G.R.Case No.620 of 2022 corresponding to Rajgangpur P.S.Case No.350 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, but subject to verification of injury. Case Diary and Injury Report be made available on the date of surrender.

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

- (i) The Petitioners shall appear before the I.O. and shall cooperate with the investigation as and when required by the I.O.
- (ii) He shall not threaten, influence, terrorise or harass the informant and other prosecution witnesses while on bail.

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

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

(A.K. Mohapatra)
Judge