

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11032 of 2022

Prafulla Kumar Jena and another ***Petitioners***
Mr. Banamali Sahoo, Advocate
-versus-

State of Odisha ***Opp. Party***
Mr. M.K. Mohanty, 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 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 C.T. Case No.2141 of 2021, arising out of Tamando P.S. Case No.82 of 2021 pending in the court of learned S.D.J.M., Bhubaneswar for commission of offences punishable under Sections 341/294/323/307/325/379/420/506/34, I.P.C.
5. It is submitted by learned counsel for the petitioners that the present case arises out of a complaint case. It is further submitted by learned counsel for the petitioners that the injuries sustained by the injured are simple in nature.
6. On perusal of the complaint case, it appears that the dispute out of a civil dispute with regard to demarcation of land between the petitioners and informant groups.
7. 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 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 with further conditions that:-

- I. The petitioners shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever;
- II. they shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
- III. they shall maintain peace and tranquility in the locality; and
- IV. they shall not default in attendance of the court during trial on each date of posting.

Violation of any of the terms and conditions shall entail cancellation of bail.

8. 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.

9. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge