

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11083 of 2022

Naresh Kumar Panda

....

Petitioner

Mr. Bharat Bhusan Routray, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

14.09.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 363/376, I.P.C.
4. It is stated by learned counsel for the Petitioner that earlier the Petitioner was released on anticipatory bail by this Court vide order dated 10.03.2008 in BLAPL No.6933 of 2007. However, while granting anticipatory bail to the Petitioner, this Court had ordered that the order shall remain in force till submission of Final Form. Learned counsel for the Petitioner submits that F.F. was submitted on 13.12.2008. Thereafter the Petitioner had approached this Court by filing an application under Section 482, Cr.P.C. on the ground that matter has been settled between the parties, which was registered as

CRLMC No.1374 of 2007. Vide order dated 17.08.2007 the said CRLMC was disposed of by this Court with a direction to the Petitioner as well as the Informant to approach the I.O. and file an affidavit indicating the settlement arrived at between them. Further, the I.O. was directed to look into the affidavit before filing the Charge-Sheet. Learned counsel for the Petitioner submits that despite of such settlement between the parties, the I.O. did not consider the affidavit of the parties and filed charge-sheet under Sections 366/376, I.P.C. on 13.12.2008. Thereafter the court has also taken cognizance under Sections 366/376, I.P.C. and summon has been issued vide order dated 22.06.2022 to the Petitioner to appear before the Court below.

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 Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned J.M.F.C., Banpur in G.R. Case No.182 of 2006 corresponding to Banpur P.S. Case No.120 of 2006 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 I.O. and shall cooperate with the investigation as and when required by the I.O.
- (ii) He shall also appear before the trial court on each date fixed for trial, without fail.

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

S.K.Parida

