

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11099 of 2022

Anil Mahakud & Others

....

Petitioners

Mr. Suresh Kumar Jena, 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 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 341/324/307/379/34, I.P.C.
4. 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 Petitioners, however it is observed that, in the event the Petitioners surrender and move for bail before the learned S.D.J.M., Dhenkanal in G.R. Case No.1109 of 2022 corresponding to Kantabania P.S. Case No.91 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 so far as Petitioner Nos.1 and 3 are concerned. If the injuries caused to the injured are found to be grievous in nature, then this bail order shall stand automatically revoked so far as Petitioner Nos.1 and 3 – namely Anil Mahakud and Manas Naik are concerned.

While imposing conditions for bail, learned Magistrate shall also impose the following additional conditions for Petitioner Nos.1 & 3 –

- (i) The Petitioners shall appear before the I.O. and shall cooperate with the investigation as and when required by the I.O.
- (ii) They shall also appear before the trial court on each date fixed for trial, without fail.
- (iii) They shall not threaten, terrorise, ill-treat or harass the Informant and his family members, including the prosecution witnesses, in any manner whatsoever.

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

- 5. So far as Petitioner Nos.2 & 4 – namely
- 5. The ABLAPL is disposed of accordingly.
- 6. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge