

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11339 of 2022

***Santosh Kumar Gochhayat &
another***

.... ***Petitioners***

Mr. Suresh Kumar Jena, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. P.C. Das, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
11.10.2022**

Order No.

02. 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 294/323/506/307/34, I.P.C.
4. Learned counsel for the Petitioners submits that there exists previous dispute between the parties, as a result of which the scuffle took place. He further submits that the Petitioners and the Informant are related. There are case and counter case filed against the parties.
5. Considering such submission, 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., Talcher in G.R. Case No.2040 of 2022 corresponding to Talcher P.S. Case No.643 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 the Injury Report. If the injuries caused to the injured are found to be grievous in nature, then this bail order shall stand automatically revoked.

The Case Diary and the Injury Report be made available to the learned Magistrate for consideration of the bail application of the Petitioners on the date of surrender.

However, 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) 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 Petitioners.

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

(A.K. Mohapatra)
Judge