

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11592 of 2022

Manguli Maharana & others

Petitioners

....
Mr. Manas Kumar Chand, Advocate

-versus-

State of Odisha

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

Mr. S.Mishra, A.S.C.

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

**ORDER
19.09.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Mr.Prakash Kumar Samal, learned counsel files Vakalatnama in favour of the informant in Court today.
3. The Petitioner No.1 is apprehending his arrest for the alleged commission of offence under Sections 341, 323,294, 324,325, 307/34 of the Indian Penal Code in C.T.Case No.1454 of 2022 arising out of Begunia P.S.Case No.217 of 2022 of the Court of the learned S.D.J.M., Khurda.
4. It is submitted by the learned counsel for the Petitioners that the allegation of assault is in the name of Petitioner no.1, Manguli Maharana, who is stated to be the principal accused.
5. Learned counsel for the informant submits that the Petitioner No.1 had assaulted on the head by means of a katuri. The injured is still in the hospital and undergoing treatment. Learned counsel for the Petitioner apprehends danger to the informant and his family members.

6. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioners.

7. However, on the submission of the learned counsel, the Petitioner No.1 is given liberty to surrender before the learned S.D.J.M., Khurda in the aforesaid case in the first hour within 21 working days hence and move for bail. On such event, the learned Magistrate shall consider his application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the Petitioner may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the Petitioner on the same day strictly on the basis of the materials on record.

8. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioner, if applied for.

9. This application under Section 438, Cr.P.C. has been filed by the Petitioner Nos.2 & 3 for anticipatory bail, involving offence punishable under the aforesaid Sections of the Indian Penal Code.

10. 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 Nos.2 & 3, however it is observed that, in the event the Petitioner Nos. 2 & 3 surrender and move for bail before the learned S.D.J.M., Khurda in G.R. Case No.1454 of 2022 arising out of Begunia P.S. Case No.217 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.

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

- (i) The Petitioner Nos.2 & 3 shall appear before the I.O. and shall cooperate with the investigation as and when required by the I.O.;
- (ii) They shall appear before the trial court on each and every date fixed.
- (iii) They shall not threaten, influence, terrorise or harass the informant and his family members in any manner whatsoever, while on bail.

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

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

(A.K. Mohapatra)
Judge