

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11648 of 2022

Erphan Khan and others

Petitioners

....
Mr. Jyotirmaya Sahoo, Advocate

-versus-

State of Odisha

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

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

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

**ORDER
20.09.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners, learned Addl. Standing Counsel for the State. Perused the records.
4. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 294, 323, 341, 406, 506, 420, 452/34 of the Indian Penal Code.
5. It is submitted by the learned counsel for the Petitioners that there exists a civil dispute between the parties. He further submits that the Petitioners and the informant belong to one family. Earlier there was a partition suit between the parties. The allegation in the F.I.R. is concerned, the occurrence relates back to 14 years back when the Petitioner had taken some money to execute a registered deed.

6. 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., Khurda in I.C.C. Case No.152 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 Petitioners shall appear before the I.O. and shall cooperate with the investigation as and when required by the I.O.;
- (ii) The Petitioners shall not threaten, influence, terrorise or harass the informant in any manner whatsoever.

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

7. The ABLAPL is disposed of accordingly.

8. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

RKS