

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11693 of 2022

Bijay Kumar Swain & another ***Petitioners***
Mr. G.K. Mohanty, 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 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 294/326/384/307/34, I.P.C.
4. It is submitted by learned counsel for the Petitioners that both Petitioners and the Informant belong to one political party. During last Gram Panchayat Election they picked up quarrel on some trivial issue, as a result of which the injured had sustained some minor injuries. He further submits that the Petitioners do not have any other criminal antecedents in their name.
5. Considering the aforesaid 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 J.M.F.C., Konark in G.R. Case No.571 of 2022 corresponding to Konark P.S. Case No.185 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 their surrender.

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

(A.K. Mohapatra)
Judge