

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11716 of 2022

Arshad Hussain

....

Petitioner

Mr. Kaustuva Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashanka Patra, 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 Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 341/387/120B/506/34, I.P.C.
4. It is submitted by learned counsel for the Petitioner that civil dispute is going on between the Petitioner and the Informant, as a result of which several cases have been filed including civil suit, mutation case, demarcation case, etc. He further submits that the same Informant had earlier also lodged F.I.R. against the present Petitioner, wherein the Petitioner has been released on anticipatory bail by this Court.

5. Considering the factual background and 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, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned S.D.J.M., Puri in G.R. Case No.1820 of 2022 corresponding to Kumbharapada P.S. Case No.237 of 2022 within a period of three weeks from today, he 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.

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

- (i) The Petitioner shall cooperate with the Investigation by appearing before the I.O. as and when required;
- (ii) He shall not threaten, terrorise, ill-treat or harass the Informant and his family members in any manner whatsoever appear before the learned trial court on each date fixed for trial, without fail.

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

5. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge