

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11822 of 2022

Madan Mallick and others ***Petitioners***
Mr. Samarendra Mohanty, Advocate
-versus-

State of Odisha ***Opp. Party***
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.09.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners are seeking pre-arrest bail in connection with G.R. Case No.1166 of 2022, arising out of Naugaon P.S. Case No.175 of 2022 pending in the court of learned S.D.J.M., Jagatsinghpur for commission of offences punishable under Sections 341/354/307/394/506/34, I.P.C.
5. It is submitted by learned counsel for the petitioners that the allegation of assault is against one Ugresan Mallick for which the injured sustained bleeding on his head. He further submits that the said Ugresan Mallick has released on bail subsequently. It is further submitted by learned counsel for the petitioners that the petitioner no.1 and petitioner no.3 are more than 70 years old and the petitioner nos.3 and 4 are ladies.

6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioners surrender and move an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, he shall be released on bail on such terms and conditions as would be deemed just and proper.

7. It is further directed that the bail granted to the petitioners is subject to the condition that learned court below shall verify whether injuries sustained by the injured are grievous in nature. In the event it is found that the injury is grievous in nature, this bail order shall automatically stand revoked.

8. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

