

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11828 of 2022

Manas Patra

Petitioner

....

Mr.J.K.Majhi, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

13.10.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 341, 294, 323, 392, 506/34 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioner that initially a ICC case was registered, which was numbered as ICC Case No.37 of 2022 in the Court of the learned J.M.F.C., Basta. Thereafter, on the direction of the learned J.M.F.C., Basta, Basta P.S.Case No.243 dated 26.09.2022 was registered under Sections 294, 323, 392, 506/34 of the Indian Penal Code. It is further submitted by the learned counsel for the Petitioner that the Petitioner does not have any similar nature of criminal antecedents.

5. 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, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned J.M.F.C., Basta in I.C.C. Case No.37 of 2022 corresponding to Basta P.S. Case No.243 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, but subject to verification of criminal antecedents of similar nature.

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

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

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

6. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Judge