

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12005 of 2022

Sibaji @ Jagannath Jena ***Petitioner***
Mr. Deepak Ku. Sahoo, Advocate
State of Odisha ***Opp. Party***
Mr. P.C. Das, A.S.C.
-versus-

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

11.10.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
 3. This is an application under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with C.T. Case No.545 of 2022 arising out of Baisinga P.S. Case No.191 of 2022 pending in the Court of learned J.M.F.C., Betanati for alleged commission of offences under Sections 341/323/325/307/379/506/34, I.P.C.
 4. It is submitted by learned counsel for the petitioner that the allegation of assault on the victim-injured is against one Manas Jena, who is the principal assailant assaulted the injured by means of bhujali as a result of which the injured sustained grievous injuries. So far as present petitioner is concerned, he has not assaulted the injured and he has been falsely implicated in this case.
 5. On verification of case dairy, learned counsel for the State submits that the principal assailant is Manas Jena, who assaulted the

injured by means of bhujali.

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 petitioner. However, it is directed that in the event the petitioner surrenders and moves 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 with further conditions that :-

- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
- II. he shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever; and
- III. he shall not default in attendance of the court during trial on each date of posting.

Violation of any of the terms and conditions shall entail cancellation of bail.

7. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge