

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12152 of 2022

Debasis Mallick & Others **Petitioners**
Mr. Sanjaya Kumar Pattanaik, Advocate

-versus-

State of Odisha **Opposite Party**
Mr. Shashanka Patra, A.S.C.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
24.09.2022

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 147/148/452/341/294/506/507/353/332/336/337/427/323/325/307/379/149, I.P.C.
4. 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 Petitioners, however it is observed that, in the event the Petitioners surrender and move for bail before the learned J.M.F.C. (Rural), Cuttack in G.R. Case No.2316 of 2022 corresponding to Tangi P.S. Case No.189 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 Criminal Antecedents of the Petitioner as well as verification of the Injury Report. If it is found that there is more than one criminal antecedent of similar nature against the Petitioners, then this bail order shall stand automatically revoked. Similarly, if the injuries caused to the injured are found to be grievous in nature, then also this bail order shall stand automatically revoked.

The Case Diary and Criminal Antecedent Report of the Petitioners as well as 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.

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

- (i) The Petitioners shall appear before the I.O. and shall cooperate with the investigation as and when required by the I.O.;
- (ii) They shall not indulge in any other offence of similar nature to the present case in any manner, while on bail.
- (iii) They shall appear before the trial court on each date of trial, without fail.
- (iv) They shall appear before the concerned P.S. once in a fortnight, preferably on Sunday between 10 A.M. to 1.00 P.M. till completion of investigation.

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

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

(A.K. Mohapatra)
Judge

S.K.Parida

