

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12172 of 2022

Md. Fazlu @ Md. Fazle Hussain ***Petitioners***
and others

Mr. D.K. Mohapatra, Advocate
-versus-

State of Odisha ***Opp. Party***
Mr. S. Mishra, 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 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.533 of 2022, arising out of Kutra P.S. Case No.124 of 2022 pending in the court of learned J.M.F.C., Rajgangpur for commission of offences punishable under Sections 147/148/454/395/294/506/427/149, I.P.C.
5. It is submitted by learned counsel for the petitioners that there was an agitation of blasting operation in the locality and the entire group has been implicated in several cases. It is further submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the present case.

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, they shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that:-

- I. The petitioners shall cooperate with the Investigating Officer as and when required for the purpose of investigation; and
- II. they shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever;

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

7. Further, it is directed that the petitioners shall give an undertaking before the learned court below that while releasing on bail, they will ensure that as they will keep peace and tranquility in the locality and does not indulge in similar activities as alleged in the F.I.R.

8. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge