

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12345 of 2022

***Md. Faizullah Khan @ Fayajulla
Khan & Others***

....

Petitioners

Mr. Dayanidhi Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashanka Patra, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
27.09.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. On the basis of oral prayer, learned counsel for the Petitioners is allowed to carry out necessary corrections in the bail application in court today, so far as the G.R. Case number is concerned.
3. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
4. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 341/323/324/307/506, I.P.C.
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 Petitioners, however it is observed that, in the event the Petitioners surrender and move for bail before the learned

S.D.J.M., Berhampur in G.R. Case No.2295 of 2022 corresponding to Badabazar P.S. Case No.245 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 Petitioners 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.

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

(A.K. Mohapatra)
Judge

S.K.Parida