

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12398 of 2022

Himanshu Bhusan Barik @ Mania **Petitioner**
Mr. S.R. Mohapatra, Advocate

-versus-

State of Odisha **Opposite Party**
Mr. P.C. Das, A.S.C.

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
19.10.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 302/201/34, I.P.C.
4. Learned counsel for the Petitioner submits that the present Petitioner is in no way connected with the crime alleged. However, he has accompanied the dead body of the deceased to the cremation ground as a co-villager. He further submitted that the present Petitioner neither has been named in the F.I.R. nor has been charge-sheeted.
5. Considering the aforesaid submission, 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., Aul in G.R. Case No.304 of 2022 corresponding to Rajkanika P.S. Case No.149 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.

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

- (i) The Petitioner shall appear before the I.O. and shall cooperate with the investigation as and when required by the I.O.;
- (ii) He shall not tamper with the prosecution evidence and shall not threaten, terrorise, ill-treat or harass the Informant and his family members as well as the prosecution witnesses in any manner whatsoever.
- (iii) He shall appear before the trial court on each date of the trial, without fail.

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