

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12445 of 2022

Moti @ Hamid Khan and others

Petitioners

....
Mr. Biswaranjan Dalai, Advocate

-versus-

State of Odisha & another

.... ***Opposite Parties***

Mr. P.C.Das, A.S.C.

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

**ORDER
28.09.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 452,341,323,326,307, 506/34 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioners that the present case arises out of a complaint case. He further submits that the Petitioners do not have similar criminal antecedents.
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 J.M.F.C., Salipur in I.C.C. Case No.09 of 2021 corresponding to

Salipur PS.Case No.301 of 2020 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.

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 appear before the trial court on each and every date fixed.

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

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

(A.K. Mohapatra)
Judge