

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12488 of 2022

***Aditya Kumar Rath @ Aditya
Narayan Rath***

....

Petitioner

Mr. Satyajit Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K. Mohanty, 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 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 307/34, I.P.C.
4. Learned counsel for the petitioner submits that this is a case of the year 1994. He further submits that investigation has already been completed and charge-sheet has already been filed since long. In the charge-sheet the Petitioner has been named. He however submits that trial has not yet commenced in this case.
5. Considering such 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 S.D.J.M., Bhubaneswar in G.R. Case No.515(A) of 1994 corresponding to Kharvela Nagar P.S. Case No.52 of 1994 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 trial court on each date of trial and shall sincerely cooperate for early conclusion of the trial;
- (ii) He shall not try to tamper with the prosecution evidence and shall not also threaten, terrorise, harass or influence the prosecution witnesses including the informant of this case in any manner whatsoever.

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

S.K.Parida