

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12547 of 2022

Krushna Chandra Ray and others

Petitioners

....
Mr.H.N.Mohapatra, ,Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. S.Mishra, A.S.C.

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

**ORDER
29.09.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Mr.H.N.Mohapatra, learned counsel for the Petitioners, Sri S.K.Nayak, learned Additional Government Advocate for the State and Sri P.P.Behera, learned counsel for the Informant. Perused the Case Diary and other relevant materials placed before this Court for consideration.
3. This is an application under Section 438 Cr.P.C. filed by the Petitioners for anticipatory bail involving offence punishable under Sections 147, 148, 447, 294, 323, 352, 506/149 of the Indian Penal Code in connection with Brahmagiri P.S.Case No.76 of 2022 corresponding to G.R.Case No.192 of 2022 pending in the file of Nayadhikari, Grama Nayalaya, Brahmagiri.
4. It is submitted by the learned counsel for the Petitioners that the entire villagers are falsely entangled in the present case. Further, it is submitted that the present case is the outcome of a dispute over a

plot of land, the ownership and possession over which is claimed by two groups, litigations are pending before competent civil court.

5. Learned counsel for the Informant on the other hand submits that the Petitioners have formed a notorious group and they are threatening and terrorizing the Informant and his family members. He further alleges that a group of persons entered into the house of the informant and damaged the CCTV Camera and other valuable articles. Learned Additional Government Advocate supports the contention of the learned counsel for the Petitioners. He further submits that there exists a dispute over a piece of land between Petitioners and the informant.

6. 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 Petitioners, however, it is observed that, in the event the Petitioners surrender and move for bail before the learned Nyadhikari, Gramya Nyayalaya, Brahmagiri in G.R.Case No.192 of 2022 corresponding to Brahmagiri P.S.Case No.76 of 2022 within a period of four 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.

However 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 not threaten, terrorise and harass the Informant and his family members including the prosecution witnesses in any manner whatsoever;
- (iii) They shall appear before the learned trial court on each date fixed for trial, without fail.
- (iv) They shall not indulge in any other offence of similar nature in any manner whatsoever, while on bail.
- (v) The Petitioner namely Krushna Chandra Ray shall appear before the concerned P.S. once in a week till conclusion of the investigation, and thereafter shall appear before the said P.S. once in a fortnight till conclusion of trial.
- (vi) Further the Petitioners shall furnish an undertaking that they shall abide by any decision that will be taken by the competent civil Court.

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

7. The ABLAPL is disposed of accordingly.

8. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge