

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12604 of 2022

Damburu Batra & Others ***Petitioners***
Mr. Subash Chandra Puspalka, Advocate

-versus-
State of Odisha ***Opposite Party***
Mr. M.K. Mohanty, 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 learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 143/147/294/323/341/506/307/149, I.P.C.
4. It is submitted by learned counsel for the Petitioners that the allegation of assault is against one Patali Majhi and Krupasindhu Majhi. So far as the present Petitioners are concerned, there is no allegation of assault against these petitioners.
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 Petitioners, however it is observed that, in the event the Petitioners surrender and move for bail before the learned J.M.F.C., Kashipur in G.R. Case No.399 of

2022 corresponding to Tikiri P.S. Case No.115 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.

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 indulge in any other offence of similar nature in any manner again, while on bail.
- (iii) They shall appear before the learned trial court on each date fixed for trial, without fail.

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

S.K.Parida