

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12609 of 2022

Sajan Behera and another

....

Petitioners

Mr. Deepak Ku. Sahoo, Advocate

-versus-

State of Odisha

....

Opp. 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 Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners are seeking pre-arrest bail in connection with G.R. Case No.1982 of 2022, arising out of Marsaghai P.S. Case No.381 of 2022 pending in the court of learned S.D.J.M., Kendrapara for commission of offences punishable under Sections 399/402, I.P.C. read with Section 25 of the Arms Act.
5. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioners. However, it is directed that in the event the petitioners surrender and move an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, they shall be released on bail on such terms and conditions as would be deemed just and proper subject to condition

that he shall furnish cash security of Rs.5,000/- (rupees five thousand) each with further conditions that besides other conditions would be imposed by the learned court below while releasing the petitioner on bail with further conditions that :-

- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
- II. he shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever;
- III. he shall not default in attendance of the court during trial on each date of posting; and
- IV. he shall not indulge in similar criminal activities while on bail.

Violation of any of the terms and conditions shall entail cancellation of bail.

6. It is further directed that the bail granted to the petitioners is subject to the condition that learned court below shall verify whether the petitioners have more than three criminal antecedents of similar nature. In the event it is found that the petitioners have more than criminal antecedents of similar nature, this bail order shall automatically stand revoked.

7. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.