

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12663 of 2022

Nagen Barik and others

Petitioners

....
Mr. Umakanta Barik, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. M.K.Mohanty, A.S.C.

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

ORDER
10.10..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 147, 148, 341, 294, 323, 355, 307, 379/149 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioners that subsequently offence under Section 307 of the Indian Penal Code has been added. Further, it is submitted by the learned counsel for the Petitioners that the Petitioners do not have similar nature of 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 Nyayadhikari-cum-J.M.F.C., Gram Nyayalaya, Junagarh in C.T.Case No.326 of 2022 arising out of Junagarh P.S.Case No.336 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, but subject to verification of injury and criminal antecedents of similar nature. Injury Report and Case Diary be made available on the date of surrender.

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

(A.K. Mohapatra)
Judge

RKS