

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12878 of 2022

Badal Parija

.... ***Petitioner***
Mr. Bharat Jalli, 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 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 387/506/507, I.P.C.
4. It is submitted by learned counsel for the Petitioner that the Petitioner has not been named in the F.I.R. He further submits that in another case when the Petitioner surrendered before the court below, this present case was shown as Criminal Antecedent against him. That is how the present case has been registered against the present Petitioner.
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 J.M.F.C., Tirtol in G.R. Case No.526 of 2022 corresponding to Tirtol P.S. Case No.561 of 2022 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, but subject to verification of the Criminal Antecedents of the Petitioner. If it is found that there is more than one criminal antecedent of similar nature against the Petitioner, then this bail order shall stand automatically revoked.

The Case Diary and Criminal Antecedent Report of the Petitioner be made available to the learned Magistrate for consideration of the bail application of the Petitioner on the date of his surrender.

However, while imposing conditions for bail, learned Magistrate shall also impose the following additional conditions –

- (i) The Petitioner shall appear before the I.O. and shall cooperate with the investigation as and when required by the I.O.;
- (ii) He shall not threaten, terrorise, ill-treat or harass the Informant and his family members including the prosecution witnesses in any manner whatsoever.

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

