

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12955 of 2022

Birendra Kumar Swain & others

Petitioners

....
Mr.Prabhat Ku. Praharaj, Advocate

-versus-

State of Odisha

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

Mr.S.Patra, A.S.C.

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

ORDER

12.10.2022

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 341, 294, 506, 323, 307/34 of the Indian Penal Code.
4. 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 J.M.F.C.(Rural),Cuttack in G.R.Case No.2559 of 2022 arising out of Tangi P.S.Case No.202 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. The Petitioners shall also furnish cash security of Rs.3000/- (Rupees Three thousand) each which shall be kept in any Nationalised Bank in an interest bearing account in the name of court in seisin over the matter. In the event it is found that the Petitioner No.4 has more than two criminal antecedents, then this order shall not be given effect to.

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

- (i) The Petitioners shall cooperate with the investigation and appear before the I.O. as and when required by the I.O.;
- (ii) They shall not indulge in similar nature of criminal offence while on bail;

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

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

(A.K. Mohapatra)
Judge