

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12983 of 2022

Abdul Raheman Khan @ Nanda ***Petitioner***
Mr. Jyotirmaya Sahoo, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. Shashanka 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 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 387/294/506/34, I.P.C. It is submitted by learned counsel for the Petitioner that while forwarding the co-accused persons, offence under Section 395, I.P.C. has also been added in this case.
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 Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned S.D.J.M., Khurda in G.R. Case No.1604 of 2022 corresponding to Khurda Model P.S. Case No.484 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 three criminal antecedents of similar nature against the present Petitioner, then this bail order shall stand automatically revoked.

The release of the Petitioner shall also be subject to the further condition that the Petitioner shall deposit cash security of Rs.10,000/- (Rupees Ten Thousand) to the satisfaction of the learned court in seisin over the matter, which shall be kept in an interest bearing account of a nationalized bank, and the amount shall be subject to the verdict of the trial.

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 Petitioner.

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

(A.K. Mohapatra)
Judge

S.K.Parida

