

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13063 of 2022

***Tushar Ranjan Biswal @ Tushar
Biswal and another***

Petitioners

....
Mr.S.J.Mohanty, Advocate

-versus-

State of Odisha

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

Mr.M.K.Mohanty, A.S.C.

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

ORDER

13.10.2022

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 323, 324, 307, 341, 506/34 of the Indian Penal Code.
4. It is submitted by the learned counsel for the Petitioners that one Somanath Behera and Baidyanath Behera assaulted the injured. So far as the present Petitioners are concerned, they only assisted the principal accused. However, there is no allegation of assault against the present Petitioners. It is further submitted by the learned counsel for the Petitioners that there is only one more criminal antecedents against the Petitioners wherein they have been released under Section 41-A of the Cr.P.C.

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 S.D.J.M, Rural, Cuttack in G.R.Case No.2654 of 2022 arising out of Cuttack Sadar P.S.Case No.448 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 criminal antecedents. In the event it is found that there is more than one criminal antecedents against the Petitioners then this order shall not be given effect to.

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge

RKS