

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13093 of 2022

Baja @ Babaji Behera & Others ***Petitioners***
Mr. Biswaranjan Dalai, 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 and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 341/294/323/324/354-B/506/34, I.P.C.
4. Learned counsel for the Petitioners submits that there exists civil dispute between the parties, as a result of which scuffle took place between two groups. He further submitted that both the groups have filed case and counter case against each other. He further submits that the Petitioners do not have criminal antecedents in their name.
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 Petitioners, however it is

observed that, in the event the Petitioners surrender and move for bail before the learned J.M.F.C., Salipur in G.R. Case No.853 of 2022 corresponding to Mahanga P.S. Case No.279 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.

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

- (i) The Petitioners shall appear before the I.O. and shall cooperate with the investigation as and when required by the I.O.;
- (ii) They 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