

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.13191 of 2022**

***Bhama Sahoo & Others***

....

***Petitioners***

*Mr. Udit Ranjan Jena, Advocate*

*-versus-*

***State of Odisha***

....

***Opposite Party***

*Mr. Sitikant Mishra, A.S.C.*

**CORAM:**

**JUSTICE A.K.MOHAPATRA**

**ORDER**

**14.10.2022**

**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 341/294/323/325/307/506/34, I.P.C.
4. Learned counsel for the Petitioners submits that there exists civil dispute between the parties, as a result of which case and counter cases have been filed against the respective parties. He further submits that F.I.R. has been lodged by the Informant falsely implicating the present petitioner in this case. He further submits that the injuries sustained by the injured are simple in nature and the Petitioners have no other criminal antecedents of similar nature against 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 S.D.J.M., Jajpur in C.T. Case No.2211 of 2022 corresponding to Mangalapur P.S. Case No.526 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 the Criminal Antecedents of the Petitioners as well as verification of the Injury Report. If it is found that there is more than one criminal antecedent of similar nature against the Petitioners, then this bail order shall stand automatically revoked. Similarly, if the injuries caused to the injured are found to be grievous in nature, then also this bail order shall stand automatically revoked.

The Case Diary and Criminal Antecedent Report of the Petitioners as well as the Injury Report be made available to the learned Magistrate for consideration of the bail application of the Petitioners on the date of surrender.

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*

