

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13216 of 2022

Rajib Lochan Behera

....

Petitioner

Mr. J.K. Khuntia, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S.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 petitioner and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
4. The petitioner is seeking pre-arrest bail in connection with G.R. Case No.713 of 2022, arising out of Malkangiri P.S. Case No.605 of 2022 pending in the court of learned S.D.J.M., Malkangiri for commission of offences punishable under Sections 294/353/506/34, I.P. read with Section 3 of Medicate Service Papers and Medicare Service Institutions (Prevention of Violence & Damage of Property) Act, 2008.
5. It is submitted by learned counsel for the petitioner that out of an emergency duty, 4 to 5 persons entered into the nursing home started abusing to the staff, assaulted and damaged some instruments of the nursing home as a result of which some of the staffs sustained

injuries. It is further submitted by learned counsel for the petitioner that the petitioner does not have any criminal antecedents. It is also submitted by learned counsel for the petitioner that the petitioner is a police constable and he has been falsely implicated in the present case.

6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioner. However, it is directed that in the event the petitioner surrenders and moves an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, he shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that :-

- I. The petitioner shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
- II. he shall not default in attendance of the court during trial on each date of posting; and
- III. they shall not threaten, harass and terrorize the informant and her /his family members in any manner whatsoever.

Violation of any of the terms and conditions shall entail cancellation of bail.

7. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge