

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13251 of 2022

Raju Tarei and others

....

Petitioners

Mr. S.R. Subudhi, Advocate

-versus-

State of Odisha

....

Opp. Party

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

17.10.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the petitioners for anticipatory bail.
4. The petitioners are seeking pre-arrest bail in connection with G.R. Case No.1443 of 2022, arising out of Khallikote P.S. Case No.569 of 2022 pending in the court of learned J.M.F.C., Khallikote for commission of offences punishable under Sections 147/452/294/323/324/307/354/379/506/148/149, I.P.C. read with Sections 25(1-B) and 27 of the Arms Act.
5. It is submitted by learned counsel for the petitioner that due to previous dispute between the parties, the petitioners have been arrayed as accused in the present case. He further submits that there was free fight between the parties as a result of which both sides sustained injuries and that scuffled took place between them due to

political rivalry.

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 petitioners. However, it is directed that in the event the petitioners surrender and move 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, they shall be released on bail on such terms and conditions as would be deemed just and proper.

7. It is further directed that the bail granted to the petitioners is subject to the condition that learned court below shall verify whether injuries sustained by the injured are grievous in nature. In the event it is found that the injury is grievous in nature, this bail order shall automatically stand revoked.

8. It is also directed that the bail granted to the petitioners is subject to the condition that learned court below shall verify whether the petitioners have any criminal antecedents of similar nature. In the event it is found that the petitioners have any criminal antecedents of similar nature, this bail order shall automatically stand revoked. Case diary along with injury report be made available on the date of surrender of the petitioners before the learned court below.

9. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge