

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13267 of 2022

Banamali Banchhor and others ***Petitioners***
Mr. J. Panda, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

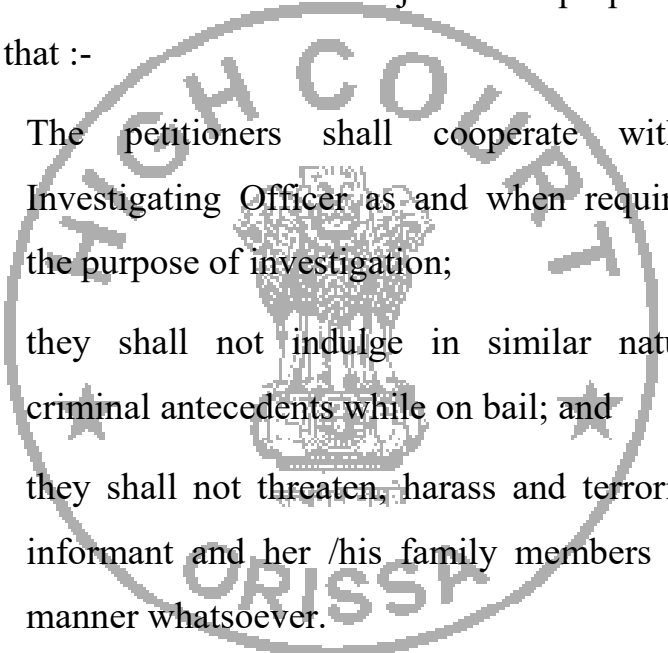
17.10.2022

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.355 of 2022, arising out of Kantabanji P.S. Case No.171 of 2022 pending in the court of learned J.M.F.C., Kantabanji for commission of offence punishable under Sections 147/148/341/294/323/307/506/149, I.P.C.
5. It is submitted by learned counsel for the petitioner that there is a case and counter case between the two family members. So far as the present petitioners are concerned, they are the family members of the principal accused, namely, Ajay Banchhor against whom the allegation has been made that he assaulted the injured by pressing his neck as a result of which the injured-victim became unconscious. It

is further submitted by learned counsel for the petitioners that the petitioners are the family member of the principal accused and they do not have any criminal antecedents.

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 with further conditions that :-

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- I. The petitioners shall cooperate with the Investigating Officer as and when required for the purpose of investigation;
 - II. they shall not indulge in similar nature of criminal antecedents while on bail; 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.

6. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge