

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13452 of 2022

***Tuna @ Pradip Kumar Rout and
others*** ***Petitioners***

Mr. P.K. Das, Advocate

-versus-

State of Odisha

.... ***Opp. Party***
Mr. S. Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

19.10.2022

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.253 of 2007, arising out of Nandipada P.S. Case No.58 of 2007 pending in the court of learned J.M.F.C., Hatadihi for commission of offences punishable under Sections 147/148/294/354/332/353/336/435/436/307/395/120-B/149, I.P.C. read with Section 7 of the Criminal Law Amendment Act.
5. It is submitted by learned counsel for the petitioners that the alleged occurrence which is the subject of the bail application took place of the year 2007. He further submits that a minor girl was missing from the village for which complaints were made before the police and no action has been taken by the police. Thereafter dead body of the missing girl was found as a result of which entire

villagers got enraged as a result of which they reached the house of the suspected accused. It is further submitted by learned counsel for the petitioners that many persons of the said village have been falsely entangled in this case so far as the present petitioners are concerned. It is also submitted that the petitioners have no way connected in the alleged occurrence.

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 :-

- I. The petitioners shall not default in attendance of the court during trial on each date of posting;
- II. they shall not tamper with the prosecution evidence in any manner whatsoever; 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