

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13546 of 2022

***Gulsan Luha @ Golasan Luha &
another***

Petitioners

....
Mr.J.K.Panda, Advocate

-versus-

State of Odisha

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

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
21.10.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Section 392 of the Indian Penal Code read with Section 25 of the Arms Act
4. It is submitted by the learned counsel for the Petitioners that one Laxman Luha was the principal accused, who was grabbed by the local people along with pistol and he was handed over to the Police. The principal accused has been arrested and the weapon of offence has already been seized. So far as the present Petitioners are concerned, it is submitted by the learned counsel for the Petitioners that there is no allegation of assault against them. Further it is

submitted by the learned counsel for the Petitioners that there is no similar criminal antecedents.

5. Considering the 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 J.M.F.C., Kantamal in C.T.Case No.304 of 2022 arising out of Manamunda P.S.Case No.201 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.

While imposing conditions for bail, learned Magistrate shall also impose the following additional conditions –

- (i) The Petitioners shall cooperate with the investigation and appear before the I.O. as and when required;
- (ii) They shall not indulge in similar nature of offence while on bail;

Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge