

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.13615 of 2022**

***Babinanda Mishra @ Sagarendra Mishra*** .... ***Petitioner***

*Mr. Sk. Zafarulla, Advocate*

*-versus-*

***State of Odisha***

.... ***Opp. Party***

*Mr. M.K. Mohanty, 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 petitioner and learned Additional Standing Counsel for the State. Perused the record.
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 C.T. Case No.26 of 2017, arising out of Nilagiri P.S. Case No.20 of 2017 pending in the court of learned S.D.J.M., Nilgiri for commission of offences punishable under Sections 143/147/148/448/379/323/506/149, I.P.C. read with Sections 25 and 27 of the Arms Act.
5. It is submitted by learned counsel for the petitioner that the complainant, who is a license holder opening a liquor shop in the panchayat, a group of villagers entered into a liquor shop of damaged the shop and took away money from the liquor shop. It is further submitted by learned counsel for the petitioner that there was a mass

agitation to obstruct the liquor shop in the locality for which the present case has been filed.

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 subject to condition that the petitioner shall furnish cash security of Rs.2,000/- (rupees two thousand) besides other conditions would be imposed by the learned court below while releasing the petitioner on bail with further conditions that :-

- I. The petitioner shall not be involved in any offence of similar nature; and
- II. he shall not indulge in similar criminal activities while on bail.

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**