

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13838 of 2022

***Raghunath Malik @ Raghu &
Others***

Petitioners

....
Mr. Arijeet Mishra, Advocate

-versus-

State of Odisha

Opposite Party

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

Mr. D.K. Sahoo, Adv. for Informant

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

25.11.2022

Order No.

03.

1. Heard the learned counsel for the Petitioners and the State.
2. By means of this application, the Petitioners seek grant of bail U/s.438 Cr.P.C. in apprehension of arrest for their alleged involvement in the offences U/s. 147/148/341/323/307/354-B/379/149, I.P.C. in connection with Kendrapara Sadar P.S. Case No.435 of 2022 corresponding to G.R. Case No.2106 of 2022 pending in the court of learned S.D.J.M., Kendrapara.
3. Mr. Dipak Kumar Sahoo, learned counsel for the Informant submits that the present Petitioner is having criminal antecedents to his credit, to which the learned counsel for the Petitioner submits that the antecedents relates to the dispute between the same informant and charge-sheet in the said case has already been submitted and the offences are all triable by the Magistrate.
4. Learned counsel for the State on the other hand submits that the injury report has been received and the injuries are simple in nature.

5. Keeping in view the submissions of the parties and having gone through the nature of allegations as emerged from the materials on record, and further the circumstances appearing, the seriousness and gravity of the offences, this court is not inclined to grant the anticipatory bail, however, it is directed that in the event the Petitioners surrender and move for bail before the learned S.D.J.M., Kendrapara in the aforesaid G.R. Case, within a period of three weeks from today, they shall be allowed to go on bail on such terms and conditions as would be deemed just and proper by the said court, but subject to the following further conditions –

- (i) The Petitioners shall appear before the I.O. and shall cooperate with the investigation as and when required;
- (ii) They shall also appear before the trial court on each date of trial, without fail, till conclusion of the trial.
- (iii) They shall not threaten, terrorise, ill-treat or harass the Informant and his family members including the prosecution witnesses in any manner and shall not tamper with the prosecution evidence in any manner whatsoever.
- (iv) They shall not indulge in any other crime of similar nature to the present case, in any manner whatsoever, while on bail.
- (v) Violation of any of any of the conditions shall entail cancellation of bail.

6. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge