

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14387 of 2022

Kedarnath Swain

....

Petitioner

Mr. S.R. Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

17.11.2022

Order No.

01. 1. Heard learned counsel for the Petitioner and the State.
2. By means of this application, the Petitioner seeks grant of bail under Section 438, Cr.P.C. in anticipation of arrest for his alleged involvement in the offence under Sections 109/120-B/417/418/424/294/506/34, I.P.C., in connection with Infocity P.S. Case No.155 of 2018 corresponding to C.T. Case No.4051 of 2018 pending in the court of learned S.D.J.M., Bhubaneswar.
3. Considering the submission of the parties, having gone through the nature of allegations as emerged from the materials on record, the circumstances appearing, seriousness and gravity of the offence, it is directed that in the event the Petitioner surrenders and moves for bail before the learned S.D.J.M., Bhubaneswar in the aforesaid C.T. Case within a period of three weeks hence, he shall be admitted to bail on such terms and conditions as would be deemed just and proper by the said court but subject to verification of criminal antecedent of the petitioner.

4. If it is found that there is more than one criminal antecedent stands to the credit of the petitioner, the bail granted herein shall not be given effect to and the court concerned shall be free to deal with the application in accordance with law without reference to the present.

5. However, in case no antecedent is found and the court proposes for bail, the following conditions be added –

- (i) The Petitioner shall appear before the I.O. and shall cooperate with the investigation, as and when required;
- (ii) He shall also appear before the trial court on each date of trial, without fail, till conclusion of the trial.
- (iii) He 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) Violation of any of the conditions, as above, shall entail cancellation of the bail automatically.

6. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge