

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14473 of 2022

Sipun Naik

....

Petitioner

Mr. Asutosh Tripathy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Debasish Biswal, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

14.12.2022

Order No.

03.

1. Heard the learned counsels for the Petitioner and the State.
2. By means of this application, the Petitioner seeks grant of bail U/s.438 Cr.P.C. in apprehension of arrest for his alleged involvement in the offences U/s.147/148/341/294/323/307/427/379/506/149, I.P.C. in connection with Banarpal P.S. Case No.381 of 2022 corresponding to G.R. Case No.1120 of 2022 pending in the court of learned J.M.F.C., Banarpal.
3. Learned Addl. Standing Counsel for the State, on instruction, submits that the present Petitioner does not have any criminal antecedent to his credit and the injuries inflicted to the injured are also simple in nature.
4. Considering the aforesaid facts and 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, while this court is not inclined to grant anticipatory bail, however it is directed that in the event the Petitioner surrenders and moves for bail before the

learned J.M.F.C., Banarpal in the aforesaid G.R. Case within a period of three weeks from today, he 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 verification of the Injury Report.

5. If the injuries are found grievous in nature, this order shall not be given effect to. However, in case the learned Magistrate allows the Petitioner to go on bail being satisfied that the injuries are simple in nature, then the following further conditions shall be imposed –

- (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.
- (iii) He shall not indulge in any other offence or criminal activities similar to the present case in any manner whatsoever, while on bail.
- (iv) He shall not threaten, intimidate, terrorise, ill-treat or harass the Informant parties as well as the prosecution witnesses and shall not tamper with the prosecution evidence in any manner whatsoever, while on bail.
- (v) Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

6. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge

S.K. Parida