

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14506 of 2022

***Dhanurjaya Luha @ Anirudha
Luha & Others***

....

Petitioners

Mr. Sushanta Kumar Joshi, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashanka Patra, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

15.12.2022

Order No.

03.

1. Heard the learned counsels 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.341/323/294/506/307/34, I.P.C. in connection with Belpada P.S. Case No.183 of 2022 corresponding to G.R. Case No.807 of 2022 pending in the court of learned S.D.J.M., Patnagarh.
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 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 Petitioners surrender and move for bail before the learned S.D.J.M., Patnagarh 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 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 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.
- (iii) They 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.
- (iv) 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