

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14526 of 2022

Braja Kishore Bhoi & another ***Petitioners***
Mr. Surya Narayan Mishra, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. Shashanka Patra, A.S.C.

CORAM:
JUSTICE CHITTARANJAN DASH

Order No.

ORDER
25.11.2022

- 01.
1. Heard the learned counsel for the Petitioners and the State.
 2. By means of this application, the Petitioners seek grant of bail under Section 438, Cr.P.C. in apprehension of arrest for their alleged involvement in the offences U/s. 341/294/323/324/506/34, I.P.C. in connection with Balanga P.S. Case No.174 of 2022 corresponding to G.R. Case No.967 of 2022 pending in the court of learned J.M.F.C., Nimapara.
 3. Learned counsel for the Petitioners submits that the injuries sustained by the injured are simple in nature.
 4. Keeping in view the submission 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 anticipatory bail, however, it is directed that in the event the Petitioners surrender and move for bail before the learned J.M.F.C.,

Nimapara 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 and Criminal Antecedent of the Petitioners. If the injuries are found to be grievous in nature, then this bail order shall not be given effect to. Similarly, if there is found to be more than one Criminal Antecedents standing to the credit of the Petitioners, then also this bail order shall not be given effect to. However, if the learned Magistrate allows the Petitioners to go on bail, 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, 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) He 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.

5. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge