

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14540 of 2022

Sagar Behera & another

....

Petitioners

Mr. S.K. Bhanjadeo, Advocate

-versus-

State of Odisha

....

Opposite Party

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

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

15.12.2022

Order No.

02.

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.341/294/323/324/307/506/34, I.P.C. in connection with Air Field P.S. Case No.171 of 2022 corresponding to C.T. Case No.3966 of 2022 pending in the court of learned S.D.J.M., Bhubaneswar.

3. Learned counsel for the Petitioners does not press this bail application in respect of Petitioner No.1 – Sagar Behera. Accordingly, the ABLAPL stands dismissed as not pressed so far as Petitioner No.1 is concerned.

4. So far as Petitioner No.2 – Somnath Behera @ Somanath Behera is concerned, having regard to 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 Petitioner No.2 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 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 the following further conditions –

- (i) Petitioner No.2 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 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.

5. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge

S.K. Parida