

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14589 of 2022

***Mutalim Sk. @ Mutalin &
another***

Petitioners

....
Mr. B.R. Mohanty, Advocate

-versus-

State of Odisha

....
Opposite Party

Mr. Debasish Biswal, A.S.C.

**CORAM:
JUSTICE CHITTARANJAN DASH**

Order No.

**ORDER
29.11.2022**

- 01.
1. Heard the learned counsel for the Petitioners and the State.
 2. By means of this application, the Petitioners seek grant of bail U/s.438 Cr.P.C. in apprehension of arrest for their alleged involvement in the offences U/s. 341/326/294/307/34, I.P.C. in connection with Joda P.S. Case No.315 of 2022 corresponding to G.R. Case No.885 of 2022 pending in the court of learned J.M.F.C., Barbil.
 3. Learned counsel for the Petitioners makes assertive submission that there is no record of criminal antecedents against the present Petitioners and the injuries are simple in nature.
 4. Keeping in view the 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, 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., Barbil 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 criminal antecedents of the Petitioners as well as verification of Injury Report. If it is found that there is more than one criminal antecedents of similar nature standing against the Petitioners, then this order shall not be given effect to. Likewise, if the injuries are found to be grievous in nature, then also this order shall not be given effect to. However, in case 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.
- (iii) They shall not intimidate, 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 shall entail cancellation of bail of the Petitioners.

5. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge