

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 14591 of 2022

Sk. Majhar Ali @ Madho

....

Petitioner

Mr. S. Mohanty, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S. Patra, ASC

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

14.12.2022

Order No.

- 02.
1. Heard learned counsel for the Petitioner and the State.
 2. This is an application for bail U/s. 438 Cr.P.C. filed by the Petitioner in apprehension of arrest for his alleged involvement in the offences U/s. 457/380 of IPC.
 3. Learned counsel for the Petitioner submits that the Petitioner does not have any criminal antecedent to his credit and his name does not find place in the FIR.
 4. Keeping in view the submission of the parties, the nature of allegations as emerged from the materials on record, the circumstances appearing, the seriousness and gravity of the offences, it is directed that in the event the Petitioner surrenders and moves for bail in connection with Balanga P.S. Case No.64 of 2016 corresponding to G.R. Case No.486 of 2016 pending in the court of learned J.M.F.C., Nimapara within a period of three weeks hence and move for bail, he shall be released on such terms and conditions

as would be deemed just and proper by the said court. However, if the learned court allows the Petitioner to go on bail, 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, till conclusion of the trial;
- (iii) he shall not threaten, intimidate or terrorize the Informant in any manner;
- (iv) he shall not tamper with the prosecution evidence in any manner whatsoever and
- (v) he shall not indulge in any other crime of similar nature or otherwise to the present case, in any manner whatsoever, while on bail.

Violation of any of the conditions shall entail cancellation of bail.

5. It is made clear that the learned court below shall verify the criminal antecedent of similar nature of the Petitioner. In case more than one antecedent is noticed, the order of this Court shall not be given effect to and the court shall be free to deal with matter of bail according to its merit without further reference to the present.

6. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge

B.K Sahoo/AKPradhan