

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14641 of 2022

Sk. Sabdar

....

Petitioner

Mr. Ipsit Aurobindo Acharya, 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 Petitioner and the State.
2. By means of this application, the Petitioner seeks grant of bail U/s.438 Cr.P.C. in apprehension of arrest for his alleged involvement in the offences U/s.147/148/294/341/323/506/307/353/427/149, I.P.C. and Section 3 of the Prevention of Damage to Public Property Act, 1984 and Sections 25 & 27 of the Arms Act, 1959 in connection with Bargarh P.S. Case No.681 of 2022 corresponding to C.T. Case No.1433 of 2022 pending in the court of learned S.D.J.M., Bargarh.
3. Learned Addl. Standing Counsel for the State, on instruction, submits that there is no adverse entry with regard to criminal antecedents of the present Petitioner.
4. It is submitted by learned counsel for the Petitioner that the injuries alleged in the F.I.R. are simple in nature.
5. 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 Petitioner surrenders and moves for bail before the learned S.D.J.M., Bargarh 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 verification of the injury if not grievous.

6. 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 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.
- (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.

7. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge