

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 14681 of 2022

***Chandan @ Chandan Bhoi &
another***

....

Petitioners

Mr. D.K. Rath, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. M.K. Mohanty, ASC

**CORAM:
JUSTICE CHITTARANJAN DASH**

**ORDER
20.12.2022**

Order No.

02.

1. Heard learned counsel for the Petitioners and the State.
2. This is an application for bail U/s. 438 Cr.P.C. filed by the Petitioners in apprehension of arrest for their alleged involvement in the offences U/s. 341/323/324/307/34 of IPC.
3. Learned counsel for the State submits that the present Petitioners do not have any criminal antecedents to their credit and the injuries sustained by the injured are simple in nature.
4. Learned counsel for the State vehemently opposed the prayer for anticipatory bail of the Petitioners.
5. 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 Petitioners surrender and move for bail in connection with Badagad P.S. Case No.347 of

2022 corresponding to C.T. Case No.6031 of 2022 pending in the court of learned S.D.J.M., Bhubaneswar within a period of three weeks hence they 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 Petitioners to go on bail, then the following 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, intimidate or terrorize the Informant in any manner;
- (iv) they shall not tamper with the prosecution evidence in any manner whatsoever and
- (v) they 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.

6. It is made clear that the learned court below shall verify the criminal antecedent of the Petitioners. 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.

7. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge