

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14695 of 2022

Subhanarayan Swain

....

Petitioner

Mr. Dinesh Kumar Patra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Debasish Biswal, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

08.12.2022

Order No.

01.

1. Heard the learned counsel 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.294/506/509/354-D(1)(i)/354-D(1)(ii)/34, I.P.C. in connection with Tirtol P.S. Case No.629 of 2022 corresponding to G.R. Case No.589 of 2022 pending in the court of learned J.M.F.C., Jagatsinghpur.
3. Learned counsel for the Petitioner makes assertive submission that there is no record of criminal antecedents against the present Petitioner.
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, while this court is not inclined to grant the anticipatory bail, however it is directed that in the event the Petitioner surrenders and moves for bail before the learned

J.M.F.C., Jagatsinghpur in the aforesaid G.R. 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 criminal antecedents of the Petitioner.

5. If it is found that there is more than one criminal antecedent standing to the credit of the Petitioner, this order shall not be given effect to. However, in case the learned Magistrate allows the Petitioners to go on bail being satisfied that no antecedent stands to the credit of the present Petitioner, 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 indulge in any other offence or criminal activities similar to the present case in any manner whatsoever, while on bail.
- (iv) He shall not threaten, intimidate, terrorise, ill-treat or harass the Informant and her family members as well as the prosecution witnesses and shall not tamper with the prosecution evidence in any manner whatsoever, while on bail.
- (v) Violation of any of the conditions shall entail cancellation of bail of the Petitioners.

6. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge