

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14731 of 2022

Pravakar Behera & Others ***Petitioners***
Mr. Satyabrata Senapati, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr. Debasish Biswal, A.S.C.

**CORAM:
JUSTICE CHITTARANJAN DASH**

Order No.

**ORDER
02.12.2022**

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. 341/323/294/354/325/379/506, I.P.C. in connection with Basudebpur P.S. Case No.521 of 2022 corresponding to G.R. Case No.1017 of 2022 pending in the court of learned J.M.F.C., Basudevpur.
3. Learned counsel for the Petitioners submits that the parties to the fray are common ancestors and there has been dispute with regard to landed properties. There are successive incidents in connection with said dispute, resulting lodging of F.I.R. and counter-F.I.R. There are also injuries to the members of both sides.
4. Having regard to the fact that injuries are not grievous in nature, as submitted by learned counsel for the Petitioners, and keeping in view the submissions of the parties and having gone through the nature of allegations as emerged from the materials on record,

though this court is not inclined to grant the anticipatory bail, however, it is directed that in the event the Petitioners surrender and move for bail before the learned J.M.F.C., Basudevpur 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 Injury Report as well as verification of criminal antecedents of the Petitioners.

5. If the injuries are found to be grievous in nature, and/or if it is found that there are more than two criminal antecedents standing to the credit of the Petitioners, this order shall not be given effect to. However, if the learned Magistrate being satisfied after verification of the above conditions allows the Petitioners to go on bail, then the following further conditions shall also 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, 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 any of the conditions shall entail cancellation of bail.

6. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge