

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 14961 of 2022

Bipin Kandi and Others

....

Petitioners

Mr. Sk. Zafarulla, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. M. K. Mohanty, ASC

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

09.12.2022

Order No.

01.

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. 341/294/323/354/506/34 IPC.

3. Learned counsel for the Petitioners submits that pursuant to a quarrel between the families, a case and counter case has been lodged to that effect. It is further submitted by learned counsel for the Petitioners that there is no injury as alleged 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 Petitioners surrender and move for bail in connection with Konark P.S. Case No.208 of 2022 corresponding to G.R. Case No.656 of 2022 pending in the court of

learned J.M.F.C., Konark within a period of three weeks hence and move for bail, they shall be released on such terms and conditions as would be deemed just and proper by the said court, but subject to verification of the injury report and criminal antecedent of the Petitioners.

5. If the injuries are found to be grievous in nature and there appears more than one criminal antecedent standing to the credit of the Petitioners, this bail order shall not be given effect to. However, if the learned court allows the Petitioners to go on bail, then the following further 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 tamper with the prosecution evidence in any manner whatsoever;
- (iv) They shall not indulge in any other crime of similar nature to the present case, in any manner whatsoever, while on bail.

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

6. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge