

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 14978 of 2022

Pradipta Kumar Ray

....

Petitioner

Mr. Sk. Zafarulla, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. Debasis Biswal, ASC

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

09.12.2022

Order No.

01.

1. Heard learned counsel for the Petitioner and the State.

2. This is an application for bail U/s.438 Cr.P.C. filed by the Petitioner in apprehension of arrest for his alleged involvement in the offences U/s. 341/294/323/307/427/506/34 IPC.

सत्यमेव जयते

3. Learned counsel for the Petitioner submits that the Petitioner has been named in the FIR on the basis of the statement of co-accused. It is further submitted that the allegation attributed to Baresh Senapati, Bijayananda Senapati, Akhila Nikhila Mishra, Jyotirekha Sethy and Alpana Senapati and the present Petitioner's name does not appear to be in respect of any direct overt act. However, the police is apprehending him to be one of the members in the group of assailants.

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, this Court is not inclined to grant the anticipatory bail, however, it is directed that in the event the Petitioner surrender and move for bail in connection with Gop PS Case No. 437 of 2022 arising out of GR Case No. 794 of 2022 pending in the court of learned JMFC, Konark 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 with further conditions that the Petitioner shall appear in person before the learned court below on each date of posting of the case with further conditions as follows:-

- (i) The Petitioner shall cooperate with the investigation and appear before the I.O. as and when required;
- (ii) He shall not indulge in criminal activities while on bail.
- (iii) Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

5. It is made clear that the learned Court below shall verify the criminal antecedent of the Petitioner. 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.

6. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge

B.K Sahoo/AK Pradhan