

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15121 of 2022

Mamata Nayak & others

....

Petitioners

Mr. Ajit Chandra Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Manoj Kumar Mohanty, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

14.12.2022

Order No.

01.

1. Heard the learned counsels 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.341/323/325/379/354/506/34, I.P.C. in connection with Bhandaripokhari P.S. Case No.393 of 2022 corresponding to G.R. Case No.2998 of 2022 pending in the court of learned S.D.J.M., Bhadrak.

3. Learned counsel for the Petitioners submits that the F.I.R. itself reveals the present incident relates to dispute regarding landed property and therefore is case and counter-case filed by the parties. In the present case the Petitioners have been arrayed for having caused assault besides use of force on the Informant side. Counter F.I.R. has also been registered in similar offences U/s. 341/323/325/379/354/506/34, I.P.C.

4. Considering the aforesaid fact that both the parties are in loggerhead resulting injuries to either side, and having regard to the

facts and submission, seriousness of the allegation and gravity of the offence, while this court is not inclined to grant anticipatory bail, however it is directed that in the event the Petitioners surrender and move for bail before the learned S.D.J.M., Bhadrak 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 the following further conditions –

- (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.
- (iii) They 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.
- (iv) They shall not indulge in any other offence of similar nature to the present one in any manner whatsoever while on bail.
- (v) Violation of any of the conditions shall entail cancellation of bail of the Petitioners.

5. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge