

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15122 of 2022

Nishakar Parida & another ***Petitioners***
Mr. Ashok Kumar Sahoo, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. M.K. Mohanty, A.S.C.

CORAM:
JUSTICE CHITTARANJAN DASH

Order No.

ORDER
14.12.2022

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. 341/354/323/354/294/506/34, I.P.C. in connection with Kendrapara Sadar P.S. Case No.426 of 2022 corresponding to G.R. Case No.2088 of 2022 pending in the court of learned S.D.J.M., Kendrapara.
3. Learned counsel for the Petitioner submits that there is no criminal antecedent standing to the credit of the present Petitioners except the present case and the injuries inflicted to the injured are simple in nature.
4. Considering the submission of the learned counsel for the Petitioner, nature of allegations, the circumstances appearing, the seriousness and gravity of the offences, while this court is not inclined to grant anticipatory bail, it is directed that, in the event the Petitioners surrender and move for bail before the learned S.D.J.M.,

Kendrapara 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 Criminal Antecedents of the Petitioners and the injury if not found grievous.

5. If it is found that there is more than one antecedent to the credit of the Petitioners or the injuries to be grievous, this order shall not be given effect to. However, if the learned Magistrate is satisfied that there is not more than one criminal antecedent and the injuries to be not grievous in nature and admits the Petitioners to bail, the following further conditions be imposed –

- (i) The Petitioners shall appear before the I.O. and shall cooperate with the investigation as and when required;
- (ii) They shall appear in person before the trial court on each date of posting of the case unless specifically exempted by the court concerned.
- (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, while on bail.
- (iv) Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

6. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge