

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 15142 of 2022

Susanta Kumar Barada @ Das & Petitioners
others

Mr. A. Tripathy, Advocate

-versus-

State of Odisha Opp. Party
Mr.D Biswal, ASC

CORAM:
JUSTICE CHITTARANJAN DASH

ORDER
14.12.2022

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. 341/294/323/379/506/34 of IPC.
3. Learned counsel for the Petitioners submits that the Petitioner is the President of his village and has no criminal antecedent. The present case arises owing to a previous enmity wherein the Informant was asked to furnish an undertaking before the Police.
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, while this Court is not inclined to grant an anticipatory bail, it is directed that in the event the Petitioners surrender and move for bail in connection with Fategarh P.S. Case No.224 of

2022 corresponding to G.R. Case No.215 of 2022 pending in the court of learned J.M.F.C., Bhapur 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 threaten, intimidate or terrorize the Informant;
- (iv) 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