

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15359 of 2022

Biswanath Naik and another ***Petitioners***
Mr. P.S. Nayak, Advocate
-versus-
State of Odisha ***Opp. Party***
Mr. S.N. Das, ASC

CORAM:
JUSTICE A.K. MOHAPATRA

ORDER
19.12.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State-Opposite Party.
3. The Petitioners are seeking pre-arrest bail in connection with Colliery P.S. Case No.578 of 2022, corresponding to G.R. Case No.2681 of 2022, pending in the court of learned J.M.F.C., Talcher, registered for alleged commission of offences punishable under Sections 294/323/307/506/34 of the I.P.C.
4. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant pre-arrest bail to the Petitioners. However, it is directed that in the event the Petitioners surrender and move an application for bail before the Court in seisin over the matter within a period of three weeks from today in the aforesaid case, the Court in seisin over the matter shall release them on bail on such terms and conditions as it would be deemed just and proper with further conditions that :-

- I. The Petitioners shall cooperate with the Investigating Officer as and when required for the purpose of investigation; and
- II. they shall not indulge in similar criminal activities while on bail.

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

5. It is further directed that the bail granted to the Petitioners is subject to the condition that learned court below shall verify whether the Petitioners have any criminal antecedents of similar nature and injury report. In the event it is found that the Petitioners have any criminal antecedent of similar nature, this bail order shall automatically stand revoked. Case diary along with the criminal antecedents and injury report be made available on the date of surrender of the Petitioners before the learned court below.

6. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

Debasis