

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 15484 of 2022

Nabin Kumar Swain and Others* *Petitioners

Mr. Sukanta Kumar Dalai, Advocate

-versus-

State of Odisha* *Opp. Party

Mr. Manoj Kumar Mohanty, ASC

Mr. Prvat Ku. Lenka, Advocate for Informant

**CORAM:
JUSTICE CHITTARANJAN DASH**

ORDER

19.12.2022

Order No.

01. 1. Heard learned counsel for the Petitioners, learned counsel for the Informant 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. 294/323/427/354/506/34 of IPC.
3. Learned counsel for the Petitioners submits that there is a civil dispute between the parties and the present Petitioners have been falsely implicated in this case.
4. Learned counsel appearing on behalf of the Informant objected the contentions raised by learned counsel for the Petitioners and produced some photographs. It is submitted that the injuries are not simple as projected. The same be kept on record.
5. Having regard to the nature of allegations emerged from the materials on record, the circumstances appearing, the seriousness

and gravity of the offences, it is directed that in the event the Petitioners surrender and move for bail in connection with Niali P.S. Case No. 454 of 2022 corresponding to G.R. Case No. 412 of 2022 pending in the court of learned J.M.F.C., Niali within a period of three weeks hence and move for bail, they shall be admitted 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 Petitioners shall appear in person before the learned court below on each date of posting of the case with further conditions as follows:-

- (i) The Petitioners shall appear before the I.O. and shall cooperate with the investigation as and when required;
- (ii) they shall not threaten, intimidate or terrorize the Informant and his family members;
- (iii) they shall tender an affidavit before the Police Station not to indulge them in any activities sabotaging the land of the Informant and shall not disturb them in restoring the house to its position except to take shelter of law;
- (iv) they shall not tamper with the prosecution evidence in any manner whatsoever and
- (v) 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