

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No. 15494 of 2022**

***Rajkishore Behera & another*** .... ***Petitioners***  
Mr. N.R Ojha, Advocate

*-versus-*

***State of Odisha*** .... ***Opp. Party***  
Mr. M.K. Mohanty, ASC

**CORAM:**  
**JUSTICE CHITTARANJAN DASH**

**ORDER**

**19.12.2022**

**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.448/341/294/506/323/354/379/325/307/34 of IPC.
3. Learned counsel for the Petitioner submits that there is case and counter-case arising out of the incident. He further submits that the present Petitioners were not present at the time of occurrence.
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, it is directed that in the event the Petitioners surrender and move for bail in connection with Nayapalli P.S. Case No.720 of 2022 corresponding to C.T. Case No.7059 of 2022 pending in the

court of learned J.M.F.C-III (Cog. Taking), Bhubaneswar within a period of three weeks hence and 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 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**

*B.K Sahoo/AKPradhan*