

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15514 of 2022

Prakash Nayak & Another

....

Petitioners

Mr. Sarada Prasad Dash, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Debasish Biswal, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

19.12.2022

Order No.

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. 341/294/323/447/506/34, I.P.C. in connection with Mahanga P.S. Case No.344 of 2022 corresponding to G.R. Case No.1043 of 2022 pending in the court of learned J.M.F.C., Salipur.

3. Learned counsel for the Petitioners submits that there is case and counter case between the members of the family, whereupon F.I.R. has been lodged by the sister-in-law against the brother-in-law. He further 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 counsels for the parties, nature of allegations, the circumstances appearing and 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 J.M.F.C., Salipur 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 and/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 her 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