

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15711 of 2022

Shyamsundar Das

....

Petitioner

Mr. R. Chhotaray, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

20.12.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
 3. This is an application under Section 438, Cr.P.C. filed by the petitioner for anticipatory bail.
 4. The petitioner is seeking pre-arrest bail in connection with G.R. Case No.408 of 2022, arising out of Banki P.S. Case No.290 of 2022 pending in the court of learned S.D.J.M., Banki for commission of offences punishable under Sections 341/323/307/324/294/506/34, I.P.C.
 5. It is submitted by learned counsel for the petitioner that on similar footing with the present petitioner, co-accused persons have already been released on bail. It is further submitted by learned counsel for the petitioner that the injuries sustained by the injured are simple in nature and the petitioner does not have any criminal antecedents.
 6. Considering the nature of allegation, gravity of offence and the fact of the case, I am not inclined to grant anticipatory bail to the petitioner. However, it is directed that in the event the petitioner

surrenders and moves an application for bail before the learned court in seisin over the matter within a period of three weeks from today in the aforesaid case, he shall be released on bail on such terms and conditions as would be deemed just and proper with further conditions that :-

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

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

6. It is further directed that the bail granted to the petitioner is subject to the condition that learned court below shall verify whether the petitioner has any criminal antecedents of similar nature. In the event it is found that the petitioner has any criminal antecedents of similar nature, this bail order shall automatically stand revoked.

7. It is further directed that the bail granted to the petitioner is subject to the condition that learned court below shall verify whether injuries sustained by the injured are grievous in nature. In the event it is found that the injury is grievous in 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.

8. Accordingly, the ABLAPL is disposed of.

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

(A.K. Mohapatra)
Judge