

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15844 of 2022

Balakrushna Nayak

....

Petitioner

Mr. Anjan Kumar Biswal, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S.N. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.12.2022

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 are seeking pre-arrest bail in connection with G.R. Case No.34 of 2022, arising out of Golanthara P.S. Case No.434 of 2022 pending in the court of learned J.M.F.C.(R), Berhamapur for commission of offences punishable under Sections 294/323/307, I.P.C.
5. 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