

IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.16103 of 2022

Prahallad Barik

.... ***Petitioner.***
Biswajit Mohapatra , Adv.

-versus-

State of Odisha.

.... ***Opposite Party***
Mr.G.R.Mohapatra,
ASC
)

CORAM:
DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
22.12.2022

01. 1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner in this case apprehending his arrest in Singla P.S. Case No.84 of 2021 corresponding to C.T.Case No.297 of 2021 pending in the court of learned J.M.F.C., Basta registered for alleged commission of offences under Section 147/148/341/323/307/294/379/506/149 of the IPC, has filed this petition under Section 438 Cr.P.C. for his release on anticipatory bail.
4. It is alleged in the F.I.R. that on 12.04.2021 at about 10.30 A.M. while the informant Goutam Jena was returning to his garage from Basta, at that time the some persons including the petitioner in furtherance of their common object came with deadly weapons appeared before the informant, abused him obscene language and assaulted him.

5. Learned counsel for the petitioner submits that the petitioner does not have any nexus to the alleged case. He further submits that the occurrence took place between the parties due to previous civil dispute. The informant has foisted this false case with a vindictive motive against the petitioner to harass him. It is further submitted that some co-accused who are similarly situated with the present petitioner, have already been released on anticipatory bail vide order dated 18.08.2021 of this Court in ABLAPL No.7434 of 2021.

6. Learned counsel for the State though objects the bail prayer of the petitioner but concedes the factum of release of co-accused who are similarly situated with the petitioner.

7. On consideration of the allegations made in the F.I.R. and also the submissions made, especially the nature and character of allegations, circumstances in which the offences stated to have been committed, punishment provided on conviction of the major offence alleged and also it is not disputed that the petitioner's release on anticipatory bail shall not be a hindrance to a free and fair investigation as other co-accused have already been released on bail. This Court is of the view that the petitioner has made out a case for his release on anticipatory bail, more particularly when he is ready and will to co-operate with the investigation and he has no chance of absconding and/or tapering with the prosecution evidence, if released on anticipatory bail.

8. Hence, this Court directs that in the event of arrest of the petitioner in connection with the aforesaid case and

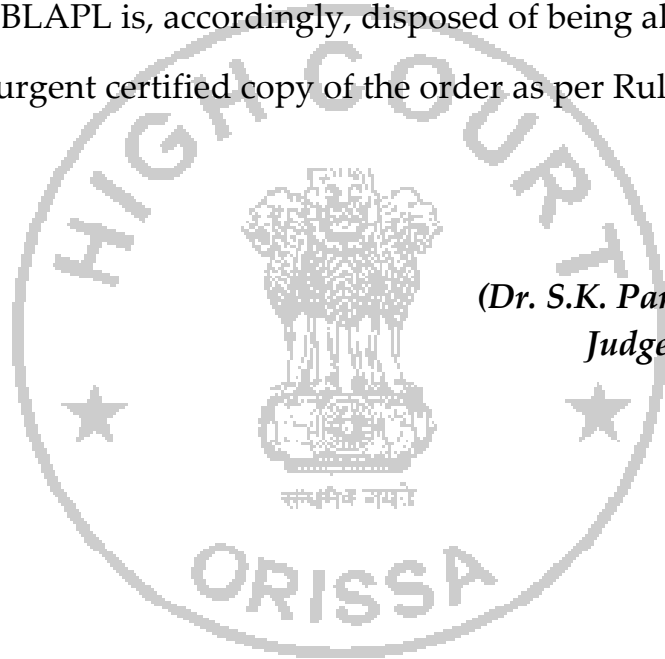
surrenders before the Court in seisin over the matter within a period of fifteen days and moves application for bail, he shall be released on bail on such terms and conditions as deemed just and proper by the said court including the certain stringent conditions.

- i. he shall cooperate with the investigation as and when required by the Investigating Agency and
- ii. he shall not tamper with the prosecution witnesses in any manner whatsoever

The ABLAPL is, accordingly, disposed of being allowed.

Issue urgent certified copy of the order as per Rules.

LB



(Dr. S.K. Panigrahi)
Judge