

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16192 of 2022

Subash Chandra Rout

....

Petitioner

Mr. Mohendra Dalai, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Debasish Biswal, A.S.C.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

22.12.2022

Order No.

01.

1. Heard the learned counsels for the Petitioner and the State.

2. By means of this application, the Petitioner seeks grant of bail U/s.438 Cr.P.C. in apprehension of arrest for his alleged involvement in the offences U/s. 341/323/294/307/379/506/34, I.P.C. in connection with Nikirei P.S. Case No.200 of 2022 corresponding to G.R. Case No.35 of 2022 pending in the court of learned J.M.F.C. (City), Kendrapara.

3. Learned counsel for the Petitioners submits that the present Petitioner has no other criminal antecedents to his credit except the present case and the injuries inflicted to the injured are simple in nature.

4. Considering the submission of the learned counsel for the Petitioner, 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 Petitioner surrenders and moves for bail before the learned J.M.F.C.

(City), Kendrapara in the aforesaid G.R. Case within a period of three weeks from today, he 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 Petitioner and the injury if not found grievous.

5. If it is found that there is more than one antecedent of similar nature to the present case standing to the credit of the Petitioner 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 against the Petitioner and the injuries to be not grievous in nature and admits the Petitioner to bail, the following further conditions be imposed –

- (i) The Petitioner shall appear before the I.O. and shall cooperate with the investigation as and when required;
- (ii) He shall appear in person before the trial court on each date of posting of the case unless specifically exempted by the court concerned.
- (iii) He shall not threaten, intimidate, terrorise, the Informant party 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