**IN THE HIGH COURT OF ORISSA AT CUTTACK**
**ABLAPL No.11197 of 2024**

***1) Pradipta Kumar Das*** **.....** ***Petitioners***
2) Arati Mohanty
Represented By Adv. -
Partha Sarathi Nayak

*-versus-*

***State Of Odisha*** **.....** ***Opposite Parties***
Represented By Adv. –
Mr.Sasmita Nayak,ASC

**CORAM:**
**THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA**

**ORDER**
**18.12.2024**

**Order No.**

1. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioners as well as learned Additional Standing Counsel for the State. Perused the records.

3. This is an application under Section 482 of BNSS 2023 filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 109, 115(2), 296, 318(4), 351(2), 3(5) of B.N.S., 2023.

4. It is stated by the learned counsel for the Petitioners that there is a civil dispute between the Petitioners and the informant. She further contended that as a result of which a civil suit is pending before the learned Civil Judge (Senior division), Bhadrak in the

shape of C.S.No.768 of 2024 with a prayer for declaration of title over the property and to declare the sale deed dated 18.01.2003 as null and void at the instance of the informant, wherein the Petitioner has been added as defendant. He further contended that the Petitioners do not have any criminal antecedent and that since the Petitioners belong to the locality, there is no chance of their absconding.

5. Learned Additional Standing Counsel for the State on the other hand objected to the release of the Petitioners on pre-arrest bail on the ground of grave and seriousness of the allegation. He also contended that the investigation is on, therefore release of the Petitioners would have adverse impact on the investigation.

6. Taking into consideration the submissions of the learned counsels for the respective parties and keeping in view the grave and seriousness of the allegations made in the F.I.R., the Petitioners are directed to surrender and move for bail before the learned S.D.J.M., Bhadrak in G.R. Case No.2137 of 2024 arising out of Bhadrak Rural P.S.Case No.546 of 2024 within a period of three weeks from today, they shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case, subject to verification of injury and criminal antecedent. In the event it is found that the injured has sustained grievous injury and that the Petitioners are having any criminal antecedent of similar nature, this order shall not

be given effect to. While imposing conditions, learned court in seisin over the matter shall impose the following additional conditions:

i) shall cooperate with the investigation and shall appear before the I.O. as and when required for the purpose of investigation;

ii) shall not indulge in similar nature of criminal activities while on bail;

iii) shall appear before the trial court on each and every date fixed if not prevented by sufficient cause.

Violation of conditions shall entail cancellation of bail.

7. The ABLAPL is disposed of accordingly.

8. Issue urgent certified copy of this order as per Rules.

***( ADITYA KUMAR MOHAPATRA)***
***JUDGE***

RKS

Signature Not Verified
Digitally Signed
Signed by: RAMESH KUMAR SINGH
Reason: Authentication
Location: High Court of Orissa
Date: 19-Dec-2024 11:09:13