IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.14374 of 2024

1) Chittaranjan Behuria **.....** ***Petitioners***
2) Akshaya Kumar Sahoo
Represented By Adv. - Kumar Prajwal

-versus-

State Of Odisha **.....** ***Opposite Party***
Represented By Adv. – Mr. Samaresh Jena, A.S.C.

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

ORDER

Order No. **18.12.2024**

01. 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 3(5), 115(2), 296, 303(2) of B.N.S., 2023.

4. It is stated by the learned counsel for the Petitioners that the Petitioners, who were conducting demonstration against the local authority, they have been implicated on false allegation in the present case. He also contended that there is no

allegation of any specific overt act against the Petitioners. He further contended that the Petitioners are local villagers and they are large in number and congregated to oppose the action of the local administration. He further contended that the Petitioners have been falsely implicated in the present case. He also submitted that the Petitioners are ready and willing to abide by any stringent conditions that may be imposed in the event they are released on bail.

5. Learned Additional Standing Counsel on the other hand objected to the release of the Petitioners on pre-arrest bail on the ground of seriousness and gravity of the allegation. There is allegation of man-handling the local MLA in the present case. He also submitted that since the investigation is on, 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, on careful examination of the materials on record, further taking into consideration the seriousness and gravity of the allegation, the Petitioners are directed to surrender and move an application for bail before the learned S.D.J.M., Jajpur in C.T.Case No.3071 of 2024 arising out of Jajpur P.S.Case No.472 of 2024 within a period of three weeks from today. In such eventuality, learned court in seisin over the matter shall do well to release the Petitioners on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case. While imposing conditions learned court in seisin over the matter shall also impose the following additional conditions:

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

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

iii) shall appear before the trial court on each and every date without fail if not prevented by sufficient case.

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.

(A.K. Mohapatra)

Judge

Rubi

Signature Not Verified
Digitally Signed
Signed by: RUBI BEHERA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 19-Dec-2024 19:24:23