

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 2713 of 2023

Bata Krushna Behera

....

Petitioner

Mr. M. Nayak, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. D. Biswal, ASC

**CORAM:
JUSTICE CHITTARANJAN DASH**

ORDER

26.04.2023

Order No.

- 02.
1. Heard learned counsel for the Petitioner and the State.
 2. This is an application for bail U/s. 438 Cr.P.C. filed by the Petitioner in apprehension of arrest for his alleged involvement in the offences U/s. 341/323/294/506/427/307 of IPC.
 3. Perusal of the FIR reveals that the husband of the Informant has a grocery shop in the village and on 13.02.2023 the Petitioner came with an intoxication condition to the said shop and abused in filthy languages in front of the shop and when the husband of the Informant restrained, the Petitioner assaulted the husband of the Informant with a broken bottle and for which the husband of the Informant sustained bleeding injury on his head and then admitted in the hospital at that time the Petitioner again came to the shop and threw the goods of the shop and broke the refrigerator and other articles.

4. Considering the submission of the learned counsel for the Petitioner, nature of allegations, the circumstances appearing, 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 in connection with Baliana P.S Case No. 59 of 2023 corresponding to G.R. Case No. 259 of 2023 pending in the court of learned J.M.F.C (O)., Bhubaneswar within a period of three weeks hence and move for bail, he be admitted to bail on such terms and conditions as would be deemed just and proper by the said court, but subject to verification of the injury report and criminal antecedent of the Petitioner.

5. If the injuries are found to be grievous in nature and there appears criminal antecedent standing to the credit of the Petitioner, this order shall not be given effect to. However, if the learned court allows the Petitioner to go on bail, then the following further conditions shall be imposed:-

(i) The Petitioner shall appear before the I.O. once in a week on such date and time to be fixed by the I.O. concerned till submission of Final Form as and when required and shall cooperate with the investigation;

(ii) Shall also appear before the trial court on each date of trial unless specifically exempted or consider the prayer U/s. 317 Cr.P.C;

(iii) Shall not threaten, intimidate or terrorize the Informant;

(iv) Shall not tamper with the prosecution evidence in any manner whatsoever;

(v) Shall not indulge in any other crime of similar nature to the present case, in any manner whatsoever, while on bail. Violation of any of the conditions shall entail cancellation of bail.

6. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge

B.K Sahoo

