

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8856 of 2023

*Ashok Kumar Patra and another*

*Petitioners*

....  
*Mr.Mrutyunjaya Mohanty, Advocate*

-versus-

*State of Odisha*

.... *Opposite Party*

*Mr.P.C.Das, A.S.C.*  
*Mr.P.K.Sahu, Advocate*  
*For informant*

**CORAM:**  
**JUSTICE A.K.MOHAPATRA**

**ORDER**  
**14.09.2023**

**Order No.**

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners as well as the , learned Additional Standing Counsel for the State.. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 294,324,354,307,379, 337, 506,452/34 of the Indian Penal Coe read with Section 6 of POCSO Act.
4. It is submitted by the learned counsel for the Petitioners that so far the present Petitioners are concerned, there is no direct allegation of any assault other than pelting stones.
5. Learned counsel appearing for the informant submitted that the injured has sustained grievous injury on being assaulted by

Himansu Patra. On perusal of the record, it appears that the aforesaid Himansu Patra is the principal assailant, who had assaulted by means of a stone which caused grievous injury on the victim.

6. In view of the aforesaid factual scenario and keeping in view the materials on record, although this Court is not inclined to grant anticipatory bail to the Petitioners, however it is observed that, in the event the Petitioners surrender and move for bail before the learned J.M.F.C., Niali in G.R.Case No.256 of 2023 arising out of Niali P.S.Case No.271 of 2023 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. Release of the Petitioners shall be subject to the conditions that the Petitioners shall not threaten, influence, terrorise or harass the informant in any manner whatsoever. Violation of conditions shall entail cancellation of bail.

5. The ABLAPL is disposed of accordingly.

6. Urgent certified copy of this order be granted as per rules.

**(A.K. Mohapatra)**  
**Judge**

RKS