



IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.412 of 2025

Firoj Kumar Debata

.....

Petitioner

Represented By Adv. –
Mr. Satya Ranjan Mulia

-versus-

State Of Odisha

.....

Opposite Parties

Represented By Adv. –

Smt. Sasmita Nayak,
ASC

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

15.01.2025

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Government Advocate appearing for the Opposite Party-State.
3. The present application has been filed under Section 482 of B.N.S.S., 2023 by the Petitioner seeking pre-arrest bail in connection with Colliery P.S. Case No.721 of 2024, corresponding to G.R. Case No.1695 of 2024, pending in the court of learned S.D.J.M., Talcher, registered for alleged commission of offences punishable under Sections 115(2)/308(2)/296/351(2) of B.N.S., 2023.
4. It is stated by the learned counsel for the Petitioner that the



Petitioner has been falsely implicated in this case at the instance of the Informant. He further contended that the injured has not sustained any grievous injury. He further contended that the Petitioner is having one criminal antecedent, i.e. in the year 2016 and that he is ready and willing to abide by any terms and conditions that would be imposed by this Court in the event he is released on pre-arrest bail.

5. Learned counsel for the State, on the other hand, opposed the release of the Petitioner on pre-arrest bail on the ground of gravity and seriousness of the allegation. He further contended that investigation is still on. Therefore, in the event the Petitioner is released on pre-arrest bail, there is every likelihood that he might abscond from justice which would cause delay in conclusion of the investigation.

6. Taking into consideration the submissions made by the learned counsels appearing for the respective parties and on a careful examination of the materials on record, further taking note of the gravity and seriousness of the allegation, although this Court is not inclined to grant pre-arrest bail to the Petitioner, however it is directed that in the event the Petitioner surrenders before the Court in seisin over the matter within a period of four weeks from today and moves an application for bail, the Court in seisin over the matter shall release him on bail in connection with the aforesaid case on such terms and conditions as it may deem just and proper in the facts and circumstances of the case, but subject to verification of criminal antecedent of the Petitioner as well as injury report. In the event it is found by the



court below that the Petitioner is having more than one criminal antecedent or the injuries sustained by the injured are grievous in nature, then this order shall automatically stand revoked.

7. Further, the release of the Petitioner shall also be subject to furnishing a cash security of Rs.2,000/- (Rupees two thousand) before the Court in seisin over the matter which shall be kept in interest bearing fixed deposit account in the name of the court in any nationalized bank initially for a period of one year which shall be renewed from time to time till conclusion of the case. The said deposit shall be subject to the final outcome of the trial.

8. While imposing conditions, the court in seisin over the matter shall also impose the conditions whereby the Petitioner shall cooperate with the investigation and shall appear before the I.O. as and when his presence is required by the I.O. for the purpose of investigation; he shall not indulge in any criminal activities while on bail; and he shall not harass/threaten/terrorize the Informant and her family members in any manner whatsoever while on bail. Violation of any of the conditions imposed either by this Court or the court in seisin over the matter shall entail cancellation of bail.

9. Further, the release of the Petitioner shall also be subject to furnishing a cash security of Rs.2,000/- (Rupees two thousand) before the Court in seisin over the matter which shall be kept in interest bearing fixed deposit account in the name of the court in any nationalized bank initially for a period of one year which shall be renewed from time to time till conclusion of the case. The said deposit shall be subject to the final outcome of the trial.



10. Accordingly, the ABLAPL is disposed of.

Urgent certified copy of this order be granted on proper application.

(Aditya Kumar Mohapatra)
Judge

Debasis