



IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.2593 of 2025

1) Sankar Jena @ Bapi

.....

Petitioners

2) Ramesh Jena@papu

Represented By Adv. -
Arjuna Charana Behera

-versus-

State Of Odisha

.....

Opposite Parties

Represented By Adv. -
Ms.Sasmita Nayak,ASC

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

ORDER
26.03.2025

Order No.

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 438(1) of the Code of Criminal Procedure filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 341,323, 307, 294, 506/34 of the Indian Penal Code.
4. It is stated by the learned counsel for the Petitioners that the Petitioners have been falsely implicated in the present case. He further contended that the informant happens to be the father of the present



Petitioner. He also contended that since one of the injury is lacerated injury, however the same is not grievous in nature and the injured informant has been recovered in the meantime and moving in the locality. Further, he contended that since the Petitioners belong to the locality there is no chance of their absconding and the Petitioners do not have any criminal antecedent of similar nature. Learned counsel for the Petitioners further contended that they will abide by the terms and conditions that would be imposed by this Court in the event of their release on pre-arrest bail by this Court.

5 Learned Additional Standing Counsel on the other hand objected to the release of the Petitioners on pre-arrest bail on the ground of gravity and severity of the allegation. He further contended that the injured has sustained a grievous injury.

6. Considering the submissions made by the learned counsels for the respective parties, taking into consideration the fact that the Petitioners have no criminal antecedents, on careful examination of the, 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 S.D.J.M., Bhadrak in G.R.Case No.767 of 2024 arising out of Bhadrak (Rural) P.S.Case No.212 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, but subject to verification of criminal antecedent as well as the condition of the injured. In the event it is found that the Petitioners are having any criminal antecedent of similar nature and that the condition of the injured is critical, this order shall not be given effect to. Release of the Petitioners shall be subject to the following additional conditions:

- i) shall not indulge in similar nature of offence while on bail;
- ii) shall not threatened, influence, harass or terrorise the informant and his family members.
- iii) shall appear before the concerned P.S. once in a fortnight preferably on Sunday between 10 A.M. to 1 P.M. for a period of two months.

Violation of conditions imposed 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: 28-Mar-2025 16:25:09