



IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9 of 2025

1) *Biju Jena @ Biju @ Bijay Kumar Jena* *Petitioners*
2) *Siddhartha Chand @ Silu*
3) *Ajay Behera @ Ajay Kumar Behera*

Represented By Adv. –
Mr. Jayanta Kumar
Majhi

-versus-
State Of Odisha *Opposite Party*
Represented By Adv. –
Mr. U.C. Jena, ASC

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

ORDER
06.01.2025

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 learned Additional Standing Counsel appearing for the State-Opposite Party.
3. The present application has been filed under Section 482 of B.N.S.S., 2023 by the Petitioners seeking pre-arrest bail in connection with Basta P.S. Case No.247 of 2024, corresponding to C.T. Case No.696 of 2024, pending in the court of learned J.M.F.C., Basta, for alleged commission of offences punishable under Sections 309(4)/3(5) of B.N.S., 2023.
4. It is stated by learned counsel for the Petitioners that the FIR has been registered by making false allegation against the present



Petitioners. He further contended that the Informant had taken a hand loan from the Petitioners and when the Petitioners demanded the money back, the Petitioners have been implicated falsely by the Informant. He further contended that the Petitioners are having one criminal antecedent each, however, the same are not similar in nature to the present case. Learned counsel for the Petitioners further contended that since the Petitioners belong to the locality, therefore, there is no chance of their absconding.

5. Considering the nature of allegation, gravity of offence and the facts and circumstances of the case, I am not inclined to grant pre-arrest bail to the Petitioners. However, it is directed that in the event the Petitioners surrender before the Court in seisin over the matter within a period of three weeks from today and move an application for bail, the Court in seisin over the matter shall release them 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 similar criminal antecedent of the Petitioners. In the event it is found by the court in seisin over the matter that the Petitioners are having any similar criminal antecedent, then this order shall not be given effect to.

6. The release of the Petitioners shall also be subject to following conditions:-

- i) They shall cooperate with the investigation and shall appear before the I.O. as and when their presence is required by the I.O. for the purpose of investigation;
- ii) They shall not indulge in any similar criminal offences while on bail;



iii) They shall not harass, threaten or terrorize the informant in any manner whatsoever while on bail; and

iv) They shall appear before the local Police Station once in a fortnight, preferably on a 'Sunday' in between 10:00 A.M. to 1:00 P.M., for a period of four months;

Violation of any of the terms and conditions shall entail cancellation of bail.

7. It is further directed that the bail granted to the Petitioners is subject to depositing of a cash security of Rs.3,000/- (Rupees Three Thousand) each before the learned Court in seisin over the matter, which shall be kept in any Nationalized Bank in interest bearing account initially for a period of one year which will be renewable from time to time till conclusion of trial and the same shall abide by the final outcome of the trial of the case.

8. Accordingly, the ABLAPL is disposed of.

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

(Aditya Kumar Mohapatra)
Judge

Debasis