

IN THE HIGH COURT OF ORISSA, CUTTACK
(CRIMINAL MISCELLANEOUS JURISDICTION)

ABLAPL No. / 2024

Code No-091002

Mahammad Allauddin & others

...**Petitioner**

Vs

State of Odisha

...**Opp. Party**

I N D E X

Sl. No.	Documents	List of Annexure	Page No.
1	APPENDIX - I SYNOPSIS		A
2	APPENDIX - II LIST OF DATES AND EVENTS		B
3	ABLAPL PETITION		1-6
4	XEROX COPY OF F.I.R BALIGUDA PS CASE NO- 102/2024	1	
5	XEROX COPY OF F.I.R BALIGUDA PS CASE NO- 101/2024	2	
6	XEROX COPY OF MEDICAL REPORT OF PETITIONERS	3	
7	VAKALATNAMA		

Cuttack
Date-

By the advocate
Ratikanta Pradhan
En No-O-149/2022
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APPENDIX-I

A

SYNOPSIS

That, the background of the case in brief is that on the basis of F.I.R. lodged by one MD Arif a case u/s- 341 /294 / 506/ 307/ 326 /34 of IPC has been registered against the present petitioners by the I. I. C Baliguda P. S in connection with Baliguda P. S case No- 102 /2024 corresponding to G. R case No- 152/2024 which is now pending before the court of Learned S.D.J.M,Baliguda. The petitioners have come up before this Hon'ble court with a prayer for Anticipatory bail u/s 438 Cr.P.C.

Cuttack
Date:

By the petitioner through

(RATIKANTA PRADHAN)

Advocate

En No-O-149/2022

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APPENDIX-II**B****LIST OF DATES AND EVENTS**

Dates		Events
21.04.2024	:	The F.I.R in connection Bliguda PS case No.101 / 2024 .
21.04.2024	:	The counter F.I.R in connection Baliguda Ps case No-102/2024 corresponding to GR case No-152/2024

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IN THE HIGH COURT OF ORISSA, CUTTACK
(CRIMINAL MISCELLANEOUS JURISDICTION)

ABLAPL No. / 2024

Code No-091002

IN THE MATTER OF:

An application for anticipatory bail under section 439
of the Code of Criminal Procedures, 1973.

AND

IN THE MATTER OF :

An Application relating to Bliguda P. S case No- 102/
2024 corresponding to G. R case No- 152 /2024
learned S.D.J.M,Baliguda.

AND

IN THE MATTER OF:

1.MD Allauddin,

aged about - 69 years,

S/o- Abdula Ajij,

Village -antasahi, PS-Baliguda ,

Dist- kandhamal

2.MD Shahid,

aged about - 35 years,

S/o- MD Allauddin,

Village -antasahi, PS-Baliguda ,

Dist- kandhamal

3.MD Rashid,

aged about - 26 years,

S/o- MD Allauddin,

Village -antasahi, PS-Baliguda ,

Dist- kandhamal

...Petitioner

-VERSUS –

State Of Odisha

...Opp. Party

The matter out of which this anticipatory bail application arises was never before this Hon'ble Court, as per the instructions of the petitioner.

To,

The Hon'ble, the Chief Justice of Orissa High Court and his lordship's companion justices of the said Hon'ble Court.

The humble petition of
the Petitioner above named

MOST RESPECTFULLY SHEWETH

1. That on the basis of F. I. R lodged by one MD Arif a case u/s- 341 /294 /307 / 326/ 506 /34 of IPC has been registered against the present petitioners by the I. I. C Baliguda P. S in connection with Baliguda P. S case No- 102 /2024 corresponding to G. R case No-152 /2024 which is now pending before the court of Learned S.D.J.M.Baliguda.
2. That the prosecution allegation in brief is that on dtd- 20.04.2024 at about 12.00 pm when the complainant and other male members of his family were in their shop a ,at that time the accused person MD Alaudin went to the complainant house and abused them in filthy languages and gave threaten to set fire on their house if they obstruct from his construction of house and subsequently again at 9.30 pm all three accused person came over their and abused them in filthy languages and assaulted them by means of brick, wooden plank and handle of hoe as a result of which they all have sustained bleeding injury on his head and fled away from the spot by given threaten to face dire consequences. Hence this prosecution case.
 - a. Xerox copy of the F.I.R is herewith Annexed and marked as Annexure no.1.
3. That the real fact of the case is that petitioners have no complicity in the alleged crime and the entire case has been foisted against him due to previous dispute for their construction of house and the present petitioners were assaulted

by the informants and his family members and also sustained bleeding injury on their head and subsequently the petitioner no -3 has filed a FIR against those accused persons at Baliguda police station vide Baliguda Ps case No-101/2024 on dated-21/04/2024.

- a. Xerox copy of the F.I.R is herewith Annexed and marked as Annexure no.2.
 - b. Xerox copy of the medical report is here with Annexed and marked as Annexure no-3.
4. That the petitioners have got no criminal proclivity. Hence their prayer for anticipatory bail may kindly be accepted by this Hon'ble court.
 5. That the present petitioners have got permanent abode under the jurisdiction of this Hon'ble court so the question of absconding or avoiding the trial doesn't arise at all in case their prayer for anticipatory bail is accepted by the Hon'ble court.
 6. That in the meantime the investigation has been substantially progressed so the question of tampering with evidence doesn't arise at all. Taking into note such materials there is no legal bar to release the present petitioners on anticipatory bail.
 7. That the local police have raided the residential house of the present petitioners which has caused reasonable apprehension of arrest in their mind for which the petitioners have come up before this Hon'ble Court with a prayer for anticipatory bail.

8. That in view of submission made above it is expedient in the interest of Justice and fair play the present petitioners may kindly be released on Anticipatory bail.

PRAYER

The petitioners therefore prays before your lordship to be gracious enough and consider the above stated facts and circumstances and may kindly release the present petitioners on anticipatory bail in the event of his arrest by the I.O, with any suitable terms & conditions as your Lordship shall deem fit & proper in connection with in connection with Baliguda P. S case No- 102 /2024 corresponding to G. R case No- 152 /2024 which is now pending before the court of Learned S.D.J.M,Baliguda.

And the petitioners further prays to pass any other appropriate Order / Orders, Direction / Directions, as this Hon'ble Court thinks fit and proper.

And for this act of kindness the petitioners as in duty bound shall ever pray.

Cuttack
Date:

By the petitioner through

(RATIKANTA PRADHAN)

Advocate

En No-O-149/2022

Ph- +91 79784 83247

**IN THE HIGH COURT OF ORISSA, CUTTACK
(CRIMINAL MISCELLANEOUS JURISDICTION)**

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Mahammad Allaiddin& others

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AFFIDAVIT

I, MD Allaiddin, aged about 69 years S/o -Abdul Ajij, Village-
antasahi,PS-Baliguda, Dist-Kandhamal, do here by solemnly
affirm and stateas follows :

- 1 That, I am the petitioner No-1 in this bail application and
father of the petitioner No-2 & 3 and duly authorized by
other petitioners to swear this affidavit on their behalf.
- 2 Number of proceeding pending in the High Court or would
be instituted Caveat:NO
- 3 Satatement of facts : As per averments in the bail ppetition.
- 4 That, the above stated facts in this petition are all true to the
best of my knowledge and belief.

DECLARATION

I, MD Allauddin, the deponent above nameddo here by solemnly affirm that the facts stated in paragraph 1 to 8 are true to my knowledge and in paragraph no 1 to 8 are true to the best of my information which I obtained from my personal sources and as the same has been read over and explained in Odia:-

I believe the information to be true for the following reasons :-
Based upon official records of FIR and information. Solemnly declare at the above said 30th day of April ,2024.

Identified by

Advocate

Solemnly affirms before me by I, MD Allauddin, aged about 69 years S/o -Abdul Ajij , Village-antasahi,PS-Baliguda, Dist-Kandhamal , who is identified before me by **Ratikanta Pradhan** ,advocate whom I personally known.

**NOTARY PUBLIC/
OATH COMMISSIONER**

CERTIFICATE

Certified that as per the notification of this Hon'ble court vide no-85/R , X-01/2020 Dated.02.02.2021 this ABLAPL has been typed in A4 size white paper.

Cuttack

Date:

Advocate

UNDERTAKING

I, hereby undertake to file the English translated copy of the Oriya documents as and when required.

Cuttack

Date:

(RATIKANTA PRADHAN)

Advocate

En No-O-149/2022

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