

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 174 of 2022

1. Anita Mohapatra
2. Pramod Kumar
Mohapatra
3. Manoj Mohapatra
4. Bijay Bhusan
Mohapatra @ Bijay
Mohapatra
5. Pratap Panda

.... **Petitioners**

Mr.A. Mishra, Advocate

-versus-

State of Odisha

.... **Opp. Party**

Mr. D.K. Pani
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

31.01.2022

Order No.

01. This matter is taken up by video conferencing mode.

Heard learned counsel for the petitioners and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Lingaraj P.S. Case No.320 of 2021 corresponding to C.T. Case No.6646 of 2021 pending in the Court of

learned S.D.J.M., Bhubaneswar for alleged commission of offences under sections 420/467/468/307/294/341/354/506/34 of the Indian Penal Code.

Perused the F.I.R.

It is submitted by the learned counsel for the petitioners that it is a case and counter case and both the cases arise out of complaint petitions. Learned counsel for the petitioners further submitted that the complaint petition was filed on 08.09.2021, which was forwarded by the learned S.D.J.M., Bhubaneswar to the Inspector-in-charge of Lingaraj police station under section 156(3) of Cr.P.C. and accordingly, the first information report was registered on 06.12.2021. It is further submitted that there are no such materials to attract the ingredients of offences under section 307 of the Indian Penal Code and the parties are related to each other and there was property dispute between the parties for which the case has been foisted and therefore, the bail application of the petitioners may be favourably considered.

Learned counsel for the State opposed the prayer for bail.

Considering the submission made by the learned counsels for the respective parties, the nature of accusation against the petitioners, the background of the case and the fact that the parties are related to each other and there was property dispute between the parties and after hearing the learned counsel for the

State, I am inclined to release the petitioners on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioners in connection with the aforesaid complaint case, they shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with one surety each for the like amount to the satisfaction of the arresting officer with further conditions that they shall make himself available for interrogation by the I.O. as and when required and they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Investigating Officer.

Violation of any of the above conditions shall entail cancellation of bail.

The ABLAPL is accordingly disposed of.

Parties may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner prescribed vide Office Order dated 7th January 2022.

p

(S.K. Sahoo)
Judge

