

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.175 of 2021

1. Bidyadhar Sahu

**2. Samila Sahu @ Mithun
Sahu**

.... Petitioners

Mr. J. Sahu, Advocate

-versus-

State of Odisha

.... Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

CORAM:

JUSTICE S.K. SAHOO

ORDER

09.02.2022

Order No.

03.

This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical 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 G.R. Case No.670 of 2020 arising out of Bijepur P.S. Case No.256 of 2020 pending in the Court of learned J.M.F.C., Sohela for alleged commission of offences under sections 294/323/324/307/506/34 of the Indian Penal Code.

Perused the F.I.R.

In view of the statement of the injured-

informant Pati Sahu that petitioner no.1 Bidyadhar Sahu assaulted on his head by means of a 'tangia' and there are two head injuries as per the medical examination report and the case has been referred to Surgery Department for opinion, I am not inclined to grant him anticipatory bail. Accordingly, his prayer for anticipatory bail stands rejected.

So far as petitioner no.2 Samila Sahu @ Mithun Sahu is concerned, in absence of any specific overt act alleged against him and on hearing the learned counsel for the State, I am inclined to release him on anticipatory bail. Accordingly, this Court directs that in the event of arrest of petitioner no.2 Samila Sahu @ Mithun Sahu in connection with the aforesaid case, he shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that he shall make himself available for interrogation by the I.O. as and when required and he 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.

So far as petitioner no.1 Bidyadhar Sahu is

concerned, it is observed that in the event he surrenders in the Court below and moves for bail before the learned Court below within a period of four weeks from today, the same shall be disposed of as expeditiously as possible by the Courts below in accordance with law. The case records shall be made available to the Court concerned.

The ABLAPL is accordingly disposed of.

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

RKM

