

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.231 of 2022

1. Abhimanyu Mahanta

2. Pramod Kumar

Mahanta

....

Petitioners

Mr. S.K. Pattnaik, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. Karunakar Nayak,
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 G.R. Case No.322 of 2021 arising out of Baria P.S. Case No.80 of 2021 pending in the Court of learned S.D.J.M., Champua for alleged commission of offences under sections 341/323/307/506/325 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioners submitted that the petitioners and the husband of the informant are cousin brothers and due to previous dispute between the

parties, the case has been foisted and there are no such materials against the petitioners so as to attract the ingredients of the offence under section 307 of the Indian Penal Code and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State, on the other hand, produced the case diary, placed the statement of the injured Ramesh Chandra Mahanta, who is the husband of the informant and it appears that he has implicated petitioner no.1 Abhimanyu Mahanta in his assault. Learned counsel for the State further placed the injury report of the injured, which indicates that he has sustained two injuries out of which, the chest injury is opined to be grievous in nature.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against petitioner no.1 Abhimanyu Mahanta and the nature of injury sustained by the injured, I am not inclined to grant him on anticipatory bail. Accordingly, his prayer for anticipatory bail stands rejected.

So far as petitioner no.2 Pramod Kumar Mahanta is concerned, in absence of any specific overt act against him, I am inclined to release him on anticipatory bail. Accordingly, this Court directs that in the event of arrest of petitioner no.2 Pramod Kumar Mahanta 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 Abhimanyu Mahanta 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.

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.

(S.K. Sahoo)
Judge

RKM