

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.381 of 2022

Nitia @ Nityananda Naik Petitioner

Mr. P.R. Singh, Advocate

-versus-

State of Odisha Opp. Party

Mr. G.N. Rout,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

01.02.2022

Order No.

01.

This matter is taken up by video conferencing mode.

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

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with G.R. Case No.162 of 2020 arising out of Parjang P.S. Case No.167 of 2020 pending in the Court of learned J.M.F.C., Parjang for alleged commission of offence under section 394 of the Indian Penal Code.

Perused the F.I.R., charge sheet and the copy of the bail order of co-accused.

Learned counsel for the petitioner submitted

that the first information report was lodged against three to four unknown persons but during course of investigation, co-accused Chhabi @ Hemanta Naik was arrested and he has already been released on bail and on the basis of his confessional statement before police, the petitioner has been falsely entangled in the case and the charge sheet has already been submitted and the offence is triable by Magistrate and therefore, the anticipatory bail application of the petitioner may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, release of the co-accused on bail and since the offence is triable by Magistrate, I am inclined to release the petitioner on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner 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 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.

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.

RKM

