

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.415 of 2022

**1. Biswanath Behera
2. Surath Behera
3. Krushna Das @ Krushna
Chandra Das**

.... **Petitioners**

Mr. D.K. Mohapatra, Advocate

-versus-

State of Odisha

.... **Opp. Party**

Mr. A.K. Beura,
Addl. Standing Counsel

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
20.01.2022**

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.670 of 2021 arising out of Arakhakuda Marine P.S. Case No.35 of 2021 pending in the Court of learned Nyayadhikari, Gramya Nyayalaya, Bramhagiri for alleged commission of offences under sections 431/277/34 of the Indian Penal Code read with Sec. 3 of P.D.P.P. Act.

Perused the F.I.R.

Learned counsel for the petitioners submitted that the petitioners are the fishermen and they are maintaining their livelihood by fishing in Chilika Lake. Lease was granted to the villagers for the purpose of fishing in their specific area. The petitioners have never constructed any gherri nor violated the order of this Court and the offences are triable by Magistrate and therefore, the bail application of the petitioners may be favourably considered.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners, the background of the case and that the offences are triable by Magistrate, I am inclined to release the petitioners on anticipatory bail. Accordingly, this Court directs that in the event of arrest of the petitioners in connection with the aforesaid case, they shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that they shall make themselves 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.

Accordingly, the ABLAPL is 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.

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