

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 422 of 2022

**1. Gumani Behera
2. Saheb Behera**

.... Petitioners

Mr. Rajib Bihari Mishra,
Advocate

-versus-

State of Odisha

.... Opp. Party

Mr. A.K. Beura
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 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 Industrial (Nisa) P.S. Case No. 276 of 2021 corresponding to G.R. Case No. 1001 of 2021 pending in the Court of learned S.D.J.M., Angul for alleged commission of offences under sections 341/323/307/427/506/34 of the Indian Penal Code.

Perused the FIR.

Learned counsel for the petitioners submitted that it is a case and counter case and there are no such materials to attract the ingredients of 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 has produced the case diary and submitted that the injured Jugal Mohakud has sustained simple injury and during course of investigation, the offence under section 307 of the Indian Penal Code has been deleted.

Considering the submissions made by the respective parties, the nature of accusation against the petitioners, the nature of injury sustained by the injured, 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 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 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 any facts to the Courts 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.

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