

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.504 of 2022

1. Arun Kumar Behera

2. Abinas Behera

....

Petitioners

Mr.S.R. Mohapatra, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.J.P.Patra,

Addl. Standing Counsel

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

**ORDER
02.02.2022**

Order No.

01. This matter is taken up through 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 Tangi P.S. Case No.245 of 2021 corresponding to G.R. Case No.3058 of 2021 pending before the learned J.M.F.C. (R), Cuttack for commission of alleged offences under sections 294, 506, 323, 354, 376/34 of the Indian Penal Code.

Learned counsel for the petitioners submitted that the accusation under section 376 of the Indian Penal Code is against Anurag Behera @ Banti,

petitioner no.1 is the father and petitioner no.2 of the said co-accused and there is no overt-act alleged against them and therefore, the prayer for anticipatory bail 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, nature of accusation against the petitioners and since the main allegation is against the co-accused Anurag Behera @ Banti, 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 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 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.

(S.K. Sahoo)
Judge

PKSahoo

