

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.509 of 2022

1. Dasaratha Bhoi **Petitioners**
2. Binod Bhoi
3. Padma Bhoi
4. Tulasa Bhoi

Mr.U.R. Jena, 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 Boudh P.S. Case No.323 of 2021 corresponding to C.T Case No.570 of 2021 pending before the learned S.D.J.M., Boudh for commission of alleged offences under sections 341, 324, 307, 294, 323, 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submitted that the accusation of assault is against petitioner no.1 and the informant himself is the injured, who has lodged the F.I.R. two

days after the alleged occurrence and therefore, the prayer for anticipatory bail may be favourably considered.

Learned counsel for the State has produced the case diary and submitted that the informant is a lady and she was found to have sustained four injuries on her person including head injury and the assault has been attributed against petitioner no.1.

In view of the available materials on record and considering the nature of accusation against petitioner no.1 Dasaratha Bhoi, while not inclining to grant anticipatory bail to him, it is observed that in the event petitioner no.1 surrenders and moves for bail, the learned Courts below shall dispose of the same in accordance with law expeditiously. The case records shall be made available to the Courts concerned for disposal of the bail application.

So far as petitioner no.2 Binod Bhoi, petitioner no.3 Padma Bhoi and petitioner no.4 Tulasa Bhoi are concerned, in absence of any specific overt act against them, particularly when petitioner nos. 3 and 4 are ladies and keeping in view the proviso to section 437(1) of Cr.P.C., I am inclined to release them on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner nos.2, 3 and 4 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.

PKSahoo

