

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.548 of 2020

1. Narayan Sahu **Petitioners**
2. Ajit Prasad Parida

Mr.A.K. Chhatoi, Advocate

-versus-

State of Odisha **Opp. Party**

Mr. Arupananda Das,
Addl. Government Advocate

CORAM:

JUSTICE S.K. SAHOO

ORDER

11.01.2022

Order No.

03.

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 Kanas P.S. Case No.141 of 2019 corresponding to G.R. Case No.2722 of 2019 pending in the Court of learned S.D.J.M., Puri for alleged commission of offences under sections 457/325/427/379/294/323/354/506/34 of the Indian Penal Code.

Perused the FIR.

Learned counsel for the petitioners submitted that the petitioners and the informant belonged to same village and an amount of Rs.20,00,000/- (rupees twenty lakhs) was sanctioned by the Government to construct a Kalyan

Mandap in the village of Sirei and it was decided by the villagers to construct the Kalyan Mandap on the land of Odia Math and after laying of the foundation stone on the said land for construction of Kalyan Mandap, the informant forcibly occupied an asbestos house on the land, which is recorded in the name of Odia Math for which a report was submitted to the Tahasildar, Kanas by the villagers and the petitioners are the signatories to the said representation, which is annexed as Annexure-2. Learned counsel further submitted that on account of such submission of representation, the case has been foisted against the petitioners. It is further submitted that the offences are triable by Magistrate and some of the co-accused persons, who approached this Court for anticipatory bail in ABLAPL No.292 of 2020, were directed to surrender before the learned Court below and move for bail and they have already been released on bail and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State produced the case diary and opposed the prayer for anticipatory bail.

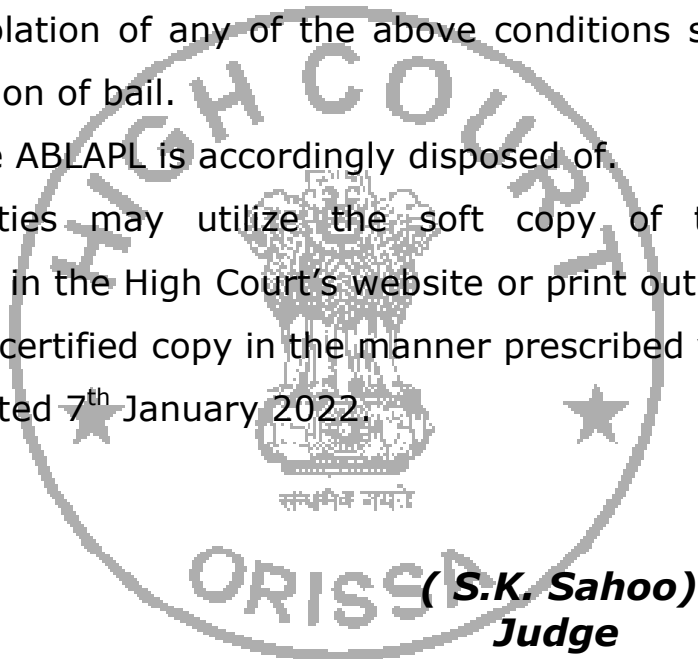
Considering the submissions made by the respective parties, the nature of accusation against the petitioners, the background of the case and since the offences are triable by Magistrate and further taking into account the release of co-accused persons on bail, I am inclined to release the petitioners 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 anticipatory 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.



RKM