

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.778 of 2022

**1. Swadesh Sajit Nayak @
Sajan**

2. Niranjana Nayak

3. Kalpana Nayak

.... Petitioners

Mr.D.K. Sahoo, Advocate

-versus-

State of Odisha

.... Opp. Party

Mr.Arupananda Das

Addl. Government Advocate

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

**ORDER
03.02.2022**

Order No.

01. This matter is taken up through video conferencing.

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 Mahakalpara P.S. Case No.07 of 2022 corresponding to G.R. Case No.33 of 2022 pending before the learned S.D.J.M., Kendrapara for commission of alleged offences under sections 341, 323, 324, 307/34 of the Indian Penal Code.

Learned counsel for the petitioners submit that

though in the F.I.R., it is mentioned there is a head injury as well as fracture of left leg but in fact F.I.R. has been presented in an exaggerated manner and that there was scuffle between the parties and petitioner No.1 has sustained injury and therefore, the anticipatory bail application may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail.

Considering the submission made by the learned counsel for the respective parties and the nature of accusation against petitioner no.1 Swadesh Sajit Nayak @ Sajan, 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.

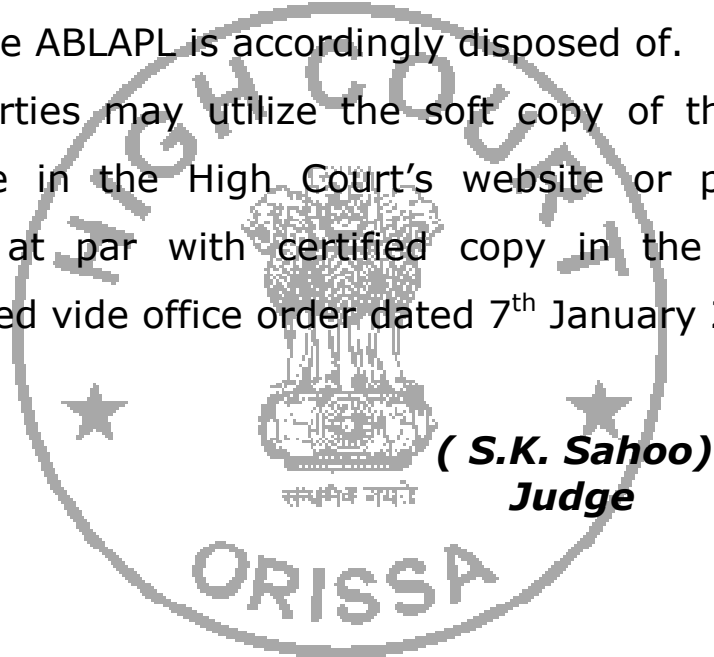
So far as petitioner no.2 Nirranjan nayak and petitioner no.3 Kalpana Nayak are concerned, since petitioner no.2 is aged about seventy years and petitioner no.3 is a lady, I am inclined to release them on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner nos.2 and 3 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