

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.844 of 2022

1. Sudarsan Nayak
2. Sanjay Nayak
3. Suraj Nayak @ Saroj
4. Subrat Nayak
5. Rebati Nayak **Petitioners**

Mr.P.K. Muduli, Advocate

-versus-

State of Odisha **Opp. Party**

Mr. J.P. Patra,
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER
07.04.2022

Order No.

02. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioners and learned counsel for the State.

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Bidanasi P.S. Case No.03 of 2022 corresponding to G.R. Case No.22 of 2022 pending in the Court of learned S.D.J.M. (S), Cuttack for offences punishable under sections 448, 294, 323, 427, 385, 506/34 of the Indian Penal Code.

Perused the F.I.R. annexed to the anticipatory bail application.

Learned counsel for the petitioners submitted that a civil suit is pending between the parties in which the petitioners are the plaintiffs and notices have been issued to the defendants and one of the defendants is the informant in the case. It is further submitted that the dispute between the parties is basically civil in nature which has been given colour of criminal case and the offences are triable by Magistrate and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail and placed the statement of the informant Santosh Kumar Sahoo.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners, the background of civil dispute between the parties and the fact that the offences are triable by Magistrate, 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 such facts to the Court or to the Investigating Officer. Violation of any of the above conditions shall entail cancellation of bail.

The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.



P