

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1147 of 2022

1. Umanath Samantaray

2. Duradarshini

Samantaray

....

Petitioners

Mr. P.K. Dash, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. A.K. Beura,

Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

08.02.2022

Order No.

01.

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 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with G.R. Case No.2737 of 2021 arising out of Patkura P.S. Case No.547 of 2021 pending in the Court of learned S.D.J.M., Kendrapara for alleged commission of offences under sections 341/294/323/379/506/34 of the Indian Penal Code read with section 25 of the Arms Act.

Perused the F.I.R.

Learned counsel for the petitioners submitted that the petitioners and the informant are related to each other and due to civil dispute between the parties, a complaint petition has been filed with false allegations and the offences under which the case has been registered that all triable by Magistrate and therefore, the anticipatory bail application of the petitioners may be favourably considered. He further submitted that another case has been instituted against the informant party members from the 'Bhagchasi' of the petitioners, namely, Khulana Jena, which has been annexed as Annexure-2 to this application.

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

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners, the background of civil dispute 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.

Urgent certified copy of this order be granted on proper application.

RKM

