

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 1158 of 2022

**1. Kailash Nauri
2. Bharati Basantia**

.... Petitioners

Mr.P.K. Behera, *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 Marshaghai P.S. Case No.485 of 2021 corresponding to G.R. Case No.2777 of 2021 pending in the Court of learned S.D.J.M., Kendrapara for alleged commission of offences under sections 341/323/294/420/506/307/34 of the Indian Penal Code.

Perused the F.I.R..

It is submitted by the learned counsel for the petitioners that there was civil dispute between the parties, for which a complaint petition was filed containing false allegation which was forwarded by the learned S.D.J.M., Kendrapara to the Inspector-in-charge of Marshaghai police station under section 156(3) of Cr.P.C. and accordingly, the P.S. case was registered. It is further submitted that there are no such materials to attract the ingredients of the offence under section 307 of the Indian Penal Code and therefore, the bail application of the petitioners may be favourably considered.

Learned counsel for the State opposed the prayer for 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 between the parties, 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 one surety 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.

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