

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1241 of 2022

**1. Umanath @
Umakanta Samantray
2. Gouranga Jena
3. Nityananda @ Sukuta Petitioner
Nayak**

Mr.P.K. Dash, Advocate

-versus-

State of Odisha Opp. Party

*Mr.A.K. Beura,
Addl. Standing Counsel*

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

**ORDER
21.04.2022**

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 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Patkura P.S. Case No.30 of 2022 arising out of G.R. Case No. 137 of 2022 pending before the learned S.D.J.M., Kendrapara for commission of alleged offence under section 341, 294, 323, 354-B, 379, 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submitted

that the case arises out of a land dispute between two brothers and the complaint case was forwarded under section 156(3) of Cr.P.C. to Patkura Police Station by the learned S.D.J.M., Kendrapara and accordingly, the case was registered, the offences are triable by Magistrate and petitioner nos.2 and 3 are having no criminal antecedents and therefore, the prayer for anticipatory bail may be favourably considered.

Learned counsel for the State on instruction submitted that petitioner no.1 Umanath @ Umakanta Samantray is having five criminal antecedents.

In view of availability of criminal antecedents and the nature of accusation against petitioner no.1 Umanath @ Umakanta Samantray, while not inclining to grant him anticipatory bail, it is observed that in the event petitioner no.1 surrenders in the learned Court below 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.

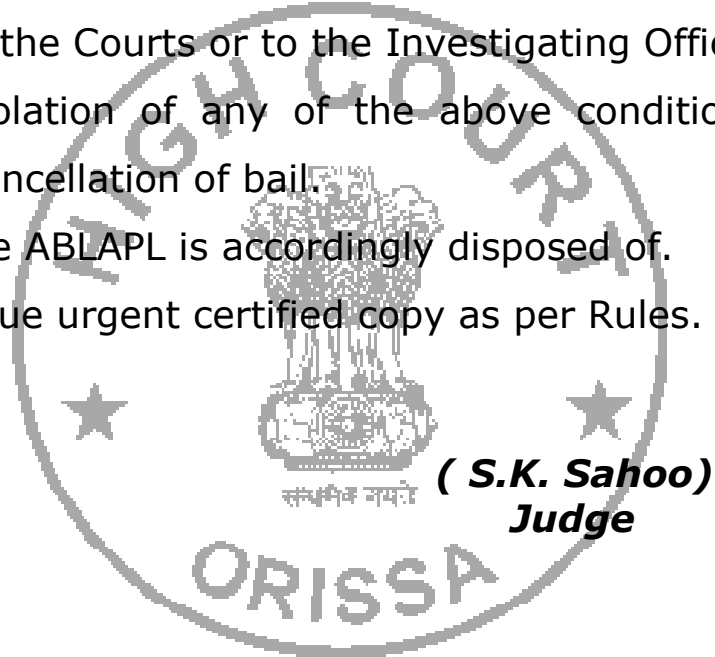
So far as petitioner no. 2 Gouranga Jena and petitioner no. 3 Nityananda @ Sukuta Nayak are concerned, considering the nature of accusation and absence of criminal antecedents against them, I am inclined to release petitioners nos.2 and 3 on anticipatory bail and accordingly, this Court directs that 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.

Issue urgent certified copy as per Rules.



PKSahoo