

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1404 of 2022

**1. Lokeshwar Nayak @
Lokesh Naik**

**2. Pabitra Mohan Nayak @
Pabitra Naik**

....

Petitioner

Mr.S.J.Mohanty, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mr.Arupananda Das,
Addl. Government Advocate*

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

**ORDER
22.02.2022**

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 Bhatli P.S. Case No. 31 of 2022 corresponding to C.T. Case No. 133 of 2022 pending in the Court of learned S.D.J.M., Bargarh for commission of alleged offences under sections 341, 294, 427, 506/34 of the Indian Penal Code and section 25 of the Arms Act.

Learned counsel for the petitioners submitted that petitioner no.2 was the Ex-Sarpanch of Chadeigaon Gram Panchayat and the informant is the Sarpanch candidate for the Gram Panchayat Election, 2022 and on account of political rivalry between the parties, the case has been foisted against them, the offences are triable by Magistrate and the ingredients of the offence under section 25 of the Arms act are not made out and therefore, the prayer for anticipatory bail may be favourably considered.

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

Considering the submissions made by the learned counsel for the respective parties, nature of accusation against the petitioners, political rivalry 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 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.

(S.K. Sahoo)
Judge

PKSahoo

