

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 1568 of 2022

1. Pramit Kumar Pani @

Babuna Pani

2. Summista Bardhan @

Jitu Bardhan

3. Devid Kumar Lima @

Tutu Lima

4. Ajay Kumar Karada Petitioners

Mr. R.N. Panda, Advocate

-versus-

State of Odisha

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Opp. Party

Mr.D.K. Pani,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

23.02.2022

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 of Cr.P.C. for grant of anticipatory bail to the petitioners in connection with R. Udayagiri P.S. Case No. 58 of 2021 corresponding to G.R. Case No. 66 of 2021 pending in the Court of learned Special Judge -cum-

Sessions Judge, Gajapati for alleged commission of offences under sections 147/148/323/324/307/186/353/332/294/342/506/269/270/149 of the Indian Penal Code and 51(b) of Disaster Management Act, 2005 and section 3(1) of Epidemic Diseases Act, 1897 read with section 3(1)(r)(s)/3(2)(va) of the SC & ST (POA) Amendment Act, 2015 and 3 of PDPP Act.

Learned counsel for the petitioners submitted that one of the co-accused, namely, Manoj Kumar Behera approached this Court for anticipatory bail in ABLAPL No.11794 of 2021 and this Court taking into account the factual scenario held that the ingredients of the offence under section 3 of the S.C. and S.T. (POA) Act is not made out and therefore, section 18 of the said Act is not a bar in entertaining this application and accordingly, the said co-accused was granted anticipatory bail. Some of the co-accused persons also filed anticipatory bail before this Court in ABLAPL No.16283 of 2021 and taking into account the release of the co-accused in ABLAPL No.11794 of 2021, this Court granted anticipatory bail to those co-accused persons as per the order dated 20.01.2022. He further submitted that the allegation against the petitioners is that they violated COVID-19 guidelines by congregating in a marriage ceremony and the petitioners are similarly situated and therefore, the anticipatory bail application of the petitioners may be

favourably considered.

Learned counsel for the State opposed the prayer for bail.

It is a case where no case under section 3 of the SC and ST (PoA) Act was there in the F.I.R. when that was registered but subsequently, the offence under section 3 of SC and ST (PoA) Act was added.

Considering the submissions made by the learned counsel for the respective parties, release of the co-accused persons on anticipatory bail and the fact that there is no material to attract the ingredients of the offence under section 3 of the S.C. and S.T. (POA) Act and section 18 of the said Act is not a bar in entertaining this application under section 438 of Cr.P.C., 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.

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

(S.K. Sahoo)
Judge

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