

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1617 of 2022

***Dibya Raj Mahananda @
Dibya*** ***Petitioner***

Mr. P.K. Mishra, Advocate

-versus-

State of Odisha ***Opp. Party***

*Mr. S.S. Pradhan,
Addl. Government Advocate*

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

**ORDER
08.03.2022**

Order No.

03. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Special G.R. Case No.01 of 2022 arising out of Sonapur P.S. Case No.377 of 2021 pending in the Court of learned Additional Sessions Judge -cum- Special Judge, Sonapur for alleged commission of offences under sections 341/294/354-A/506/509 of the Indian Penal Code and section 12 of the POCSO Act.

Perused the F.I.R.

As per the previous order, learned counsel for the State has obtained instruction from the Investigating

Officer, which indicates as follows:

"It is true case under sections 341/294/506 of the Indian Penal Code against accused Dibya Mahanand (26) S/o. Narendra Mahanand of Shantinagarpada, Sonapur, P.S.- Sonapur, Dist.- Subarnapur. As there is no direct contact or any vulgar comments passed by the accused to the minor daughter and wife of the complainant and accused due to ill feeling as to why police has raided his house suspecting his involvement in the M/C theft case, the accused has threatened the complainant in obscene languages and to see his wife and daughter on the say. Hence, section 354/509 of the Indian Penal Code and section 12 of the POCSO Act is not applicable in this case as to the offence committed by accused Dibya Mahananda."

In view of such instruction obtained, since the offences are triable by Magistrate and the only non-bailable offence is under section 506 of the Indian Penal Code, I am inclined to release the petitioner on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner in connection with the aforesaid case, he shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that he shall make himself available for interrogation by the I.O. as and when required and he 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.

(S.K. Sahoo)
Judge



RKM