

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No. 1764 of 2022**

**1. Kelu Sa** ..... **Petitioners**  
**2. Panju Khan**

Mr.S. Ray, Advocate

-versus-

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

Mr. D.K. Mishra  
Addl. Standing Counsel

**CORAM:**

**JUSTICE S.K. SAHOO**

**ORDER**

**03.03.2022**

**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 G.R. Case No.1008 of 2021 arising out of Kakatpur P.S. Case No.249 of 2021 pending in the Court of learned J.M.F.C., Nimapara for alleged commission of offences under sections 457/380 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioners submitted

that though the F.I.R. was lodged against unknown persons but during course of investigation, one co-accused, namely, Lokman Khan was taken into custody and he disclosed the name of the petitioner for which the petitioner is apprehending arrest in connection with the case. He further submitted that the offences are triable by Magistrate and one of the co-accused namely Sk. Sahid @ Sk. Jahid has already been granted anticipatory bail by this Court in ABLAPL No.16466 of 2021 as per the order dated 25.01.2022 and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State does not dispute that the involvement of the petitioners is based on the confessional statement of co-accused before police.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners, release of the co-accused on anticipatory bail and since 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 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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**( S.K. Sahoo )**  
**Judge**