

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1967 of 2021

**1. Sk. Wasim @ Sk
Washim
2. Sk. Seru
3. Sk. Samsheer
4. Raju @ Sk. Abid
5. Sk. Zaharul Hassan Petitioners**

Mr. M. Chand, Advocate

-versus-

State of Odisha Opp. Party

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

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

**ORDER
09.02.2022**

Order No.

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

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

Learned counsel for the State submitted that petitioner no.4 Raju @ Sk. Abid has already been arrested.

In view of such submission, this anticipatory bail application stands disposed of so far as petitioner no.4 is concerned.

This is an application under section 438 Cr.P.C.

for grant of anticipatory bail to the petitioners nos. 1, 2, 3 and 5 in connection with Dhanupalli P.S. Case No.37 of 2021 corresponding to G.R. Case No.410 of 2021 pending before the learned S.D.J.M., Sambalpur for commission of alleged offences under sections 147, 148, 323, 324, 307, 506/149 of the Indian Penal Code.

Perused the F.I.R. annexed to the anticipatory bail application.

Learned counsel for the State on instruction submitted that the petitioner no.1 is having eleven nos. of criminal cases, petitioner no.2 is having three nos. of criminal cases, petitioner no.3 is having eight nos. of criminal cases, but petitioner no.5 is having no criminal cases.

In view of the nature and gravity of accusation against petitioner nos.1, 2 and 3, namely, Sk. Wasim @ Sk. Washim, Sk. Seru and Sk. Samsher respectively and availability of criminal antecedents against them, while not inclining to grant anticipatory bail to them, it is observed that in the event petitioner nos.1, 2 and 3 surrender and move for bail within a period of four weeks from today, 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.5 Sk. Zaharul Hassan is

concerned, in view of the nature of accusation against him and absence of any criminal antecedent and on hearing the learned counsel for the State, I am inclined to release him on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner no.5 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 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