

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1969 of 2021

1. Baikuntha Nayak

2. Manju Nayak

....

Petitioners

Mr.A.K. Das, Advocate

-versus-

State of Odisha

....

Opp. Party

*Mrs. Susamarani Sahoo,
Addl. Standing Counsel*

Order No.

04.

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 Infocity P.S. Case No.15 of 2021 corresponding to C.T. Case No. 413 of 2021 pending in the Court of learned S.D.J.M., Bhubaneswar for alleged commission of offences under sections 294, 307, 363 and 379 of the Indian Penal Code.

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

Learned counsel for the petitioner submitted that the informant Gitanjali Behera lodged the F.I.R. in this case on

19.01.2021 relating to the incident dated 24.12.2020 and she has only alleged against her husband Niranjana Nayak to have assaulted her and committed certain overt acts and nothing is stated therein about the two petitioners. Learned counsel further submitted that petitioner no.1 is the paternal uncle of the husband of the informant and petitioner no.2 is the mother-in-law of the informant. It is further submitted that during the course of investigation on 29.01.2021 when the statement of the informant was recorded, she implicated these two petitioners to have threatened to her. Learned counsel further submitted that the accusation against the petitioner may at best make out a case under section 506 of the Indian Penal Code and therefore, the anticipatory bail application may be favourably considered.

Learned counsel for the State has produced the case diary and placed the F.I.R.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners, absence of the names of the petitioners in the F.I.R. and the nature of overt-act alleged against the petitioners in the statement of the informant, the interim order dated 15.03.2021 is made absolute.

The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge