

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1867 of 2022

**1. Banamali Mohanty
2. Baikuntha Mohanty
3. Udhab Mohanty
4. Bela Mohanty
5. Mita @ Itishree
Mohanty
6. Sarojini @ Sarajini
Mohanty**

.... Petitioners

Mr. A.K. Mishra-3, Advocate

-versus-

State of Odisha

....

Opp. Party

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

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

ORDER

08.03.2022

Order No.

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

Learned counsel for the petitioners submits that the names of the father of petitioners nos.2 and 3, who are two brothers has been inadvertently mentioned in the cause title as late Sansari Mohanty instead of late Sambari Mohanty.

In view of such submission, in the cause title, the names of the father of petitioners nos.2 and 3 shall be read as 'late Sambari Mohanty' instead of 'late Sansari Mohanty'

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.740 of 2021 arising out of Itamati P.S. Case No.199 of 2021 pending in the Court of learned S.D.J.M., Nayagarh for alleged commission of offences under sections 457/354/307/323/294/379/506/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioners submitted that the case arises out of a complaint petition and there was existence of a civil dispute between the parties and the parties are neighbours and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State, on the other hand, submitted that one criminal case is pending against the petitioners, which is Itamati P.S. Case No.120 of 2021 under sections 341/294/323/325/354/379/506/34 of the Indian Penal Code and after being released on bail, this case has been instituted, which shows that the petitioners have misutilized their liberty while on bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners and since the petitioners nos.4, 5 and 6 are ladies, keeping in view the proviso to section 437(1) Cr.P.C., I am inclined to release them on anticipatory bail. Accordingly, this Court directs that in the event of arrest of petitioner no.4 Bela Mohanty,

petitioner no.5 Mita @ Itishree Mohanty and petitioner no.6 Sarojini @ Sarajini Mohanty 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.

So far as petitioners nos.1, 2 and 3 are concerned, while not inclining to grant anticipatory bail to the petitioners, it is observed that in the event they surrender in the Court below and move for bail before the learned Court below within a period of four weeks from today, the same shall be disposed of as expeditiously as possible by the Court below in accordance with law. The case records shall be made available to the Court concerned.

The ABLAPL is accordingly disposed of.

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

(S.K. Sahoo)
Judge