

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2043 of 2022

1. Dhaneswar Parida
2. Prasant Kumar Parida
3. Shiva Prasad Parida **Petitioners**

Mr. S. Jena, Advocate

-versus-

State of Odisha **Opp. Party**

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

CORAM:
JUSTICE S.K. SAHOO

ORDER
15.03.2022

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.94 of 2022 arising out of Tangi P.S. Case No.99 of 2022 pending in the Court of learned Gram Nyayalaya, Tangi for alleged commission of offences under sections 341/323/294/354/506/325/307/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioners submitted that petitioner no.2 is a public servant and petitioner no.1 is

the father of petitioner no.2 and one co-accused was taken into custody and he has been released on bail and there are no such materials against the petitioners so as to attract the ingredients of the offence under section 307 of the Indian Penal Code and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State, on the other hand, opposed the prayer for anticipatory bail and submitted that petitioner no.1 is having one criminal antecedent and petitioner no.3 is having five criminal antecedents. He further submitted that there are two injured persons in the case, one is Umakanta Parida and the other one is Ananta Narayan Rout and both of them have sustained injuries but the injuries have been opined to be simple in nature.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners nos.1 and 3 and since the petitioners nos.1 and 3 are having criminal antecedents, while not inclining to release them on anticipatory bail, 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 Courts below in accordance with law and claim of parity with the co-accused, who is stated to have been released on bail, shall be taken into account at the time of adjudication of the bail application. The case records shall be made available to the Court concerned.

So far as petitioner no.2 Prasant Kumar Parida is concerned, considering the nature of accusation against him and absence of any criminal antecedent, I am inclined to release him on anticipatory bail. Accordingly, this Court directs that in the event of arrest of petitioner no.2 Prasant Kumar Parida 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