

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2054 of 2022

- 1. Bhanja Kishore Mallick**
- 2. Bibekananda Malik**
- 3. Brajakishor Mallick**
- 4. Tapan Kumar Samal**
- 5. Tapan Kumar Samal**
- 6. Bijay Sethi**
- 7. Rajesh Samal**
- 8. Surath Kumar Das**
- 9. Nisith Kumar Moharana**
- 10. Rakesh Samal**

Petitioners

Mr. B.K. Ragada, Advocate

-versus-

State of Odisha

Opp. Party

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

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

ORDER

12.05.2022

Order No.

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

Learned counsel for the petitioners submitted that the name of petitioner no.3 is 'Brajakishor Mallick' but inadvertently, in the cause title, it has been reflected as 'Brakishor Mallick'.

In view of such submission, the name of petitioner no.3 be read as 'Brajakishor Mallick' instead

of Brakishor Mallick.

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.483 of 2022 arising out of Bhandaripokhari P.S. Case No.70 of 2022 pending in the Court of learned S.D.J.M., Bhadrak for alleged commission of offences under sections 147, 148, 451, 323, 354, 307, 294, 506, 427, 149 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the State submitted that though the accusation has been levelled against the petitioners that they assaulted some of the persons during course of occurrence but none of the persons came forward for their medical examination.

Learned counsel for the State however submitted that petitioner no.3 Brajakishor Mallick has got two criminal antecedents, petitioner no.7 Rajesh Samal has got one criminal antecedent and petitioner no.8 Surath Kumar Das has got three criminal antecedents.

Learned counsel for the petitioners, on the other hand, submitted that it is a case and counter case and during last Gram Panchayat election, the occurrence alleged to have taken place and though the case was

registered under section 307 of the Indian Penal Code and other offences but during supervision, offence under section 307 of the Indian Penal code has been deleted and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Considering the submissions made by the learned counsel for the respective parties, the availability of the criminal antecedents against petitioner no.3 Brajakishor Mallick, petitioner no.7 Rajesh Samal and petitioner no.8 Surath Kumar Das, while not inclining to grant anticipatory bail to them, it is observed that in the event the petitioners nos.3, 7 and 8 surrender in the Courts below within a period of four weeks from today and move for bail, the same shall be disposed of as expeditiously as possible by the Courts below in accordance with law. The case records shall be made available to the Court concerned.

So far as petitioners nos.1, 2, 4, 5, 6, 9 and 10 are concerned, in absence of any criminal antecedents against them and taking into account the nature of accusation against them, I am inclined to release them on anticipatory bail. Accordingly, this Court directs that in the event of arrest of petitioners nos.1, 2, 4, 5, 6, 9 and 10, namely, Bhanja Kishore Mallick, Bibekananda Mallick, Tapan Kumar Samal, Bijay Sethi, Nisith Kumar Moharana and Rakesh Samal 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.

(**S.K. Sahoo**)
Judge