

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2230 of 2022

**1. Hemanta Kumar
Maharana
2. Akhay Kumar Maharana
3. Susen Kumar Naik @
Susena
4. Soubhagya Kumar Naik
@ Saubhagya
5. Ashok Kumar Maharana
6. Papu @ Papayee Naik Petitioners**

Mr.R.Das Nayak, Advocate

-versus-

State of Odisha

Opp. Party

*Mr.D.K. Pani,
Addl. Standing Counsel*

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

ORDER

30.03.2022

Order No.

02. 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.307 of 2022 arising out of Keonjhar Sadar P.S. Case No.78 of 2022 pending in the Court of learned S.D.J.M., Keonjhar for alleged commission of offences under sections 341/323/325/ 294/506/34 of the

Indian Penal Code.

Perused the F.I.R.

Learned counsel for the State on instruction submitted that there are two injured persons in this case, namely, Rajendra Kumar Rana and Gangadhar Nayak and injured Gangadhar Nayak has sustained simple injuries whereas injured Rajendra Kumar Rana has sustained two simple injuries and one grievous injury. Learned counsel for the State placed the 161 Cr.P.C. statement of the injured Rajendra Kumar Rana from which it appears that on account of assault made by the petitioners nos.1 and 2, he sustained grievous injury.

In view of the available material on record, while not inclining to grant anticipatory bail to petitioners nos.1 and 2, it is observed that in the event the petitioner no.1 Hemanta Kumar Maharana and petitioner no.2 Akhay Kumar Maharana surrender in the Court 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.3 to 6 are concerned, considering the submission made by the learned counsel for the petitioners that there was political dispute between the parties and on account of Gram Panchayat election, the case has been instituted and further 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 petitioner no.3 Susen Kumar Naik @ Susena, petitioner no.4

Soubhagya Kumar Naik @ Saubhagya, petitioner no.5 Ashok Kumar Maharana and petitioner no.6 Papu @ Papayee Naik 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.

The interim order dated 22.03.2022 stands vacated in respect of petitioners nos.1 and 2.

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

(S.K. Sahoo)
Judge