

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2322 of 2022

1. Bijan Kumar Muduli

2. Jaganath Muduli

3. Ashutosh Swain

....

Petitioners

Mr. Debasnan Das, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. J.P. Patra

Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

23.03.2022

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.112 of 2022 arising out of Tirtol P.S. Case No.118 of 2022 pending in the Court of learned J.M.F.C., Tirtol for alleged commission of offences under sections 341/323/294/379/506/34 of the Indian Penal Code read with sections 25/27 of the Arms Act.

Perused the F.I.R.

Learned counsel for the petitioners submitted

that it is a case and counter case and on account of political dispute between the parties during the last Gram Panchayat Election, the case has been foisted and the offences are triable by Magistrate and therefore, the anticipatory bail application may be favourably considered.

Learned counsel for the State submitted that he has received the case diary, which does not reveal any criminal antecedents against the petitioners. However, he placed the statement of the informant, which shows specific overt act against petitioner no.1 Bijan Kumar Muduli.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner no.1, while not inclining to grant anticipatory bail to petitioner no.1, it is observed that in the event the petitioner no.1 Bijan Kumar Muduli surrenders in the Court below within a period of four weeks from today and moves 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 petitioner no.2 Jaganath Muduli and petitioner no.3 Ashutosh Swain are concerned, in absence of any specific overt act against them and the background of the case and 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.2 Jaganath Muduli and petitioner no.3 Ashutosh Swain 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