

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2332 of 2022

- 1. Deepak Mohanty**
- 2. Alok Mohanty**
- 3. Rajkishore Mishra**
- 4. Babuli Jena @
Prashanta Jena**
- 5. Benga Jena @ Niranjan
Jena**
- 6. Bapi Mishra @ Manoj
Mishra**
- 7. Ganesh Jena**
- 8. Debashis Mishra**
- 9. Bipin Pati @ Nityananda
Pati**
- 10. Terua Mishra @
Gobardhan Mishra**
- 11. Ashok Barik**
- 12. Chandrakanta Behera**
- 13. Subash Barik**
- 14. Punia Behera @
Purnachandra Behera**
- 15. Subal Barik**
- 16. Nayan Jena** **Petitioners**

Mr. S.N. Mishra (4), Advocate

-versus-

State of Odisha **Opp. Party**

Mr. J.P. Patra
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 Naikandihi P.S. Case No.53 of 2022 corresponding to G.R. Case No.190 of 2022 pending before the learned J.M.F.C., Basudevpur for commission of alleged offences under sections 341, 294, 323, 325, 354, 506/34 of the Indian Penal Code.

Learned counsel for the State on instruction submitted that the injured in this case is one Naren Biswal and he has sustained simple injury. However, he further submitted that petitioner no.4 Babuli Jena @ Prashanta Jena and petitioner no.11 Ashok Barik have one criminal antecedent each.

In view of available materials on record particularly the criminal antecedents against the petitioner no.4 Babuli Jena @ Prashanta Jena and petitioner no.11 Ashok Barik, while not inclining to grant anticipatory bail to them, it is observed that in the event petitioners nos.4 and 11 surrender in the learned Court below and move for bail, the learned Courts below shall dispose of the same in accordance with law expeditiously. The case diary be made available before the Court concerned for disposal of the case.

So far as petitioners nos. 1 to 3 and 5 to 10 and 12 to 16 are concerned, in absence of any specific overt act against them and absence of any criminal antecedent and the nature of injuries sustained by the injured, I am inclined to release them on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioners nos. 1 to 3 and 5 to 10 and 12 to 16 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 any facts to the Courts 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

