

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2334 of 2022

1. Muni @ Nilamani Mallik
2. Baidhar Mallik
3. Ranjan Mallik
4. Prasant Mallik
5. Papu @ Jagabandhu Mallik
6. Ramakanta Mallik **Petitioners**

Mr. A.R. Panda, 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 Binjharpur P.S. Case No.127 of 2022 corresponding to C.T. Case No.420 of 2022 pending before the learned S.D.J.M., Jajpur for commission of alleged offences under sections 341, 323, 324, 307, 353, 506, 294, 336, 427, 147, 148, 149 of the Indian

Penal Code read with section 4 of the PDPP Act.

Learned counsel for the State on instruction submitted that three persons were referred for medical examination on police requisition and they are Alok Mallik, Prasant Mallik and Jadav Jena and it was found that Prasant Mallik and Jadav Jena have sustained no external injury whereas the injury sustained by Alok Mallik was simple in nature. He further submitted that petitioner no.1 has got three criminal antecedents.

In view of available materials on record particularly the criminal antecedents against the petitioner no.1 Muni @ Nilamani Mallik, while not inclining to grant anticipatory bail to him, it is observed that in the event petitioner no.1 surrenders and moves for bail, the learned Courts below shall dispose of the same in accordance with law expeditiously. The case records shall be made available to the Courts concerned for disposal of the bail application.

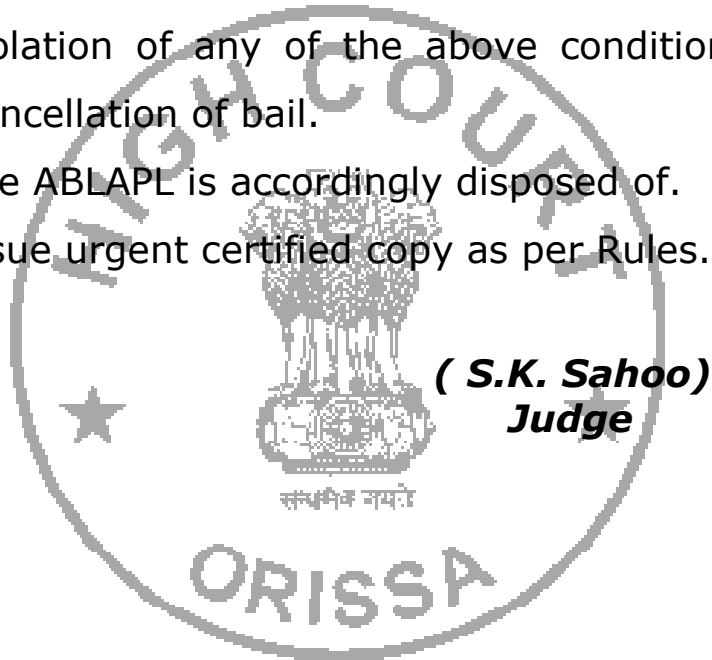
So far as petitioners nos.2 to 6 are concerned, in view of the nature of accusation against them and in absence of any criminal antecedents against them and the nature of injuries sustained by the injured, I am inclined to release them on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioners nos.2 to 6 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.

Issue urgent certified copy as per Rules.



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