

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2382 of 2022

1. Ajaya Das
2. Kedarnath Jena
3. Prakash Nayak @ Jupa
4. Bibhuna Nayak @ Bibuna
5. Babuli Nayak
6. Abhisek Swain **Petitioners**

Mr.B.N. Satapathy, Advocate

-versus-

State of Odisha **Opp. Party**

Mr. D.K. Pani,
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 Kujang P.S. Case No.51 of 2022 corresponding to G.R. Case No.128 of 2022 pending before the learned J.M.F.C. (P), Kujang for commission of alleged offences under sections 341, 294, 323, 506/34 of the Indian Penal Code and

sections 25 and 27 of the Arms Act.

Perused the F.I.R. annexed to the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioners that it is a case and counter case and due to political rivalry between the parties during the last Gram Panchayat election, the case has been foisted, the offences are triable by Magistrate and after hearing the learned counsel for the State, who submitted that petitioner nos. 2 and 3 have got criminal antecedents, while not inclining to grant anticipatory bail to them, it is observed that in the event petitioners nos. 2 and 3 surrender and move 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 petitioner no.1 Ajaya Das, petitioner no.4 Bibhuna Nayak @ Bibuna, petitioner no.5 Babuli Nayak and petitioner no.6 Abhisek Swain are concerned, in absence of any criminal antecedents against them and on hearing the learned counsel for the State, I am inclined to release them on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner nos.1, 4, 5 and 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.

(S.K. Sahoo)
Judge

PKSahoo