

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2410 of 2022

1. Agana Kumar Senapati

2. Bikram Kishore

Senapati

3. Sangram Kishore

Senapati

4. Biplab Kishore Senapati

5. Chandramani Senapati

6. Maheswar Senapati

7. Ramakanta Senapati @

Rantha

Petitioners

*Ms. Smrutirekha Sahoo,
Advocate*

-versus-

State of Odisha

Opp. Party

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

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

ORDER

29.03.2022

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.180 of 2022 arising out of Naikandihi P.S. Case No.48 of 2022 pending in the Court of learned J.M.F.C., Basudevpur for alleged commission of offences

under sections 294/323/427/506/354/34 of the Indian Penal Code.

Perused the F.I.R.

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

Learned counsel for the State opposed the prayer for anticipatory bail and submitted that petitioner no.1 Agana Kumar Senapati has got three criminal antecedents, petitioner no.7 Ramakanta Senapati @ Rantha has got one criminal antecedents whereas petitioners nos.2 to 6 have no criminal antecedents.

In view of the criminal antecedents against petitioner no.1 Agana Kumar Senapati, I am not inclined to grant him anticipatory bail. Accordingly, his prayer for anticipatory bail stands rejected.

So far as petitioners nos.2 to 7 are concerned, in view of 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 petitioners nos.2 to 7, namely, Bikram Kishore Senapati, Sangram Kishore Senapati, Biplab Kishore Senapati, Chandramani Senapati, Maheswar Senapati and Ramakanta Senapati @ Rantha respectively 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.

So far as petitioner no.1 Agana Kumar Senapati is concerned, it is observed that in the event he 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.

The ABLAPL is accordingly disposed of.

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

(S.K. Sahoo)
Judge