

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2420 of 2022

- 1. Purna Chandra Mishra**
- 2. Dhaneswar Mishra**
- 3. Maesh Chandra Mishra**
- 4. Narayan Chandra Mishra**
- 5. Soumyaranjan Mishra**
- 6. Chittaranjan Mishra**
- 7. Manoranjan Mishra**
- 8. Balabhadra Praharaj** **Petitioners**

Mr. S. Mohanty, Advocate

-versus-

- 1. State of Odisha**
- 2. Harihar Khatua** **Opp. Parties**

Mr. D.K. Pani
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER

10.05.2022

Order No.

04. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

In spite of service of notice on the informant, none appears on his behalf.

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 Baramba P.S. Case No.81 of 2019 corresponding to C.T. Case No.40 of 2019 pending in the Court of learned Special Court, SC & ST (PoA) Act, Cuttack for alleged commission of offences under sections 341/294/354/436/ 379/323/506/34 of the Indian Penal Code read with section 3(1)(r)(s) of the S.C. & S.T. (PoA) Act.

Perused the F.I.R.

Learned counsel for the State has received the instruction from the Inspector in-charge of Baramba police station to the effect that none of the petitioners has any criminal antecedent against him. Learned counsel further submitted that out of the eight petitioners, only petitioners nos.1 to 6 have been charge sheeted under sections 147/148/294/354-A/ 506/149 of the Indian Penal Code and sections 3(1)(r)(s)(w)(i)/3(2)(va) of the S.C. & S.T. (PoA) Act.

Since the petitioners nos.7 and 8, namely, Manoranjan Mishra and Balabhadra Praharaj respectively have not been charge sheeted and there is no apprehension of arrest in connection with the case, the anticipatory bail application so far as petitioners nos.7 and 8 are concerned is disposed of.

So far as petitioners nos.1 to 6, namely, Purna Chandra Mishra, Dhaneswar Mishra, Maesh Chandra Mishra, Narayan Chandra Mishra, Soumyaranjan Mishra and Chittaranjan Mishra respectively are

concerned, taking into account the nature of accusation against them, absence of any clinching material to attract the ingredients of the offence under section 3 of the S.C. and S.T. (PoA) Act and also absence of any bar under section 18 of the said Act, the interim order dated 06.04.2022 so far as it relates to petitioners nos.1 to 6 is made absolute.

The ABLAPL is accordingly disposed of.

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

(S.K. Sahoo)
Judge



RKM