

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2462 of 2022

- 1. Bijaya Kumar Mohapatra**
 - 2. Udaya Kumar Mohapatra**
 - 3. Purna Chandra Mohapatra**
 - 4. Prabhu Kalyan Mohapatra**
- Petitioners**

Mr.S.P. Dash, Advocate

-versus-

State of Odisha **Opp. Party**

*Mr.Arupananda Das,
Addl. Government Advocate*

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

**ORDER
06.04.2022**

Order No.

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

Learned counsel for the petitioners submitted that inadvertently in the cause title of the anticipatory bail application, he has mentioned that the case is pending in the Court of learned S.D.J.M., Oupada, but the same is pending in the Court of learned S.D.J.M., Nilgiri and therefore, 'S.D.J.M., Oupada' be read as 'S.D.J.M., Nilgiri'.

The submission is accepted.

Heard the 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 Oupada P.S. Case No.17 of 2022 corresponding to C.T. Case No.140 of 2022 pending before the learned S.D.J.M., Nilgiri for commission of alleged offences under sections 341, 294, 323, 324, 325, 354, 506/34 of the Indian Penal Code.

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

Learned counsel for the State on instruction submitted that petitioner no.4 Prabhu Kalyan Mohapatra has got two criminal antecedents. He further submitted that there are two injured in this case, namely, Susanta Kumar Nayak and Bharati Nayak and both of them have sustained simple injuries. The instruction furnished by the learned counsel for the State be kept on record.

In view of availability of criminal antecedents against petitioner no.4 Prabhu Kalyan Mohapatra, while not inclining to grant anticipatory bail to him, it is observed that in the event he surrenders in the learned Court below 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 petitioner no.1 Bijaya Kumar Mohapatra, petitioner no.2 Udaya Kumar Mohapatra

and petitioner no.3 Purna Chandra Mohapatra are concerned, taking into account the nature of accusation and absence of criminal antecedents against them, I am inclined to release petitioners nos.1, 2 and 3 on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner nos.1, 2 and 3 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