

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2553 of 2022

- 1. Silu Naik @ Suryamani Naik**
- 2. Suresh Kumar Naik**
- 3. Biranchi Naik**
- 4. Arjun Naik**
- 5. Chheta Naik**
- 6. Suman Naik @ Suan Kumar Naik**
- 7. Pratap Naik**
- 8. Deepak Naik**
- 9. Mithuna Naik**
- 10. Fuku Naik @ Manoj Naik** **Petitioners**

Mr.R.N. Rout, Advocate

-versus-

State of Odisha

Opp. Party

Mr. A.K. Beura,
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO
ORDER

Order No.

06.04.2022

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 Khandapada P.S. Case No.52 of 2022 corresponding to G.R. Case No.50 of 2022 pending

before the learned J.M.F.C., Khandapada for commission of alleged offences under sections 294, 323, 341, 325, 307, 506/34 of the Indian Penal Code.

Sri Biswajit Routray, Inspector in-charge of Khandapara police station is present through virtual mode. He submitted that the informant Jagannath Naik has sustained one injury on the forehead, which has been opined to be simple in nature by the Medical Officer. So far as criminal antecedents are concerned, he stated that the petitioner no.1 Silu Naik @ Suryamani Naik has got four criminal antecedents, petitioner no.4 Arjun Naik has got one criminal antecedent, petitioner no.5 Chheta Naik has got one criminal antecedent, petitioner no.6 Suman Naik @ Suman Kumar Naik has got three criminal antecedents.

After hearing the learned counsel for the respective parties and in view of the criminal antecedents against petitioners nos.1, 4, 5 and 6, while not inclining to grant anticipatory bail to them, it is observed that in the event they surrender in the learned Court below 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 petitioners nos.2, 3, 7, 8, 9 and 10 are concerned, in absence of any criminal antecedents

and the nature of accusation against them and the submission made by the learned counsel for the petitioners that the case arises out of a political dispute, I am inclined to release petitioners nos. 2, 3, 7, 8, 9 and 10 on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioners nos. 2, 3, 7, 8, 9 and 10 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