

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2568 of 2022

1. Harihara Jena
2. Panchanan Jena @
Jagabandhu
3. Tilotama Jena
4. Smt. Kalpana Jena
5. Bina Jena **Petitioners**

Mr.P.K. Jena, Advocate

-versus-

State of Odisha **Opp. Party**

Mr.J.P. Patra,
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER
06.04.2022

Order No.

02. 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 Basta P.S. Case No.61 of 2022 corresponding to C.T. Case No.163 of 2022 pending before the learned J.M.F.C., Basta for commission of alleged offences under sections 341, 323, 326/34 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 the injured Padmalochan Jena has sustained one injury, which has been opined to be simple in nature. He further submitted that petitioner no.1 Harihara Jena has got two criminal antecedents, petitioner no.2 Panchanan Jena @ Jagabandhu has got three criminal antecedents and petitioner nos. 3 and 4, namely, Tilotama Jena and Smt. Kalpana Jena respectively have got one criminal antecedent and petitioner no.5 Bina Jena has got two criminal antecedents. The instruction furnished by the learned counsel for the State is taken on record.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against petitioners nos. 3, 4 and 5 and since they are ladies, keeping in view the proviso to section 437(1) of Cr.P.C., I am inclined to release petitioners nos.3, 4 and 5 on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioners nos.3, 4 and 5 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.

So far as petitioners nos. 1 and 2 are concerned, 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.

The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(**S.K. Sahoo**)
Judge

PKSahoo