

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2688 of 2022

Happy @ Smruti Ranjan* *Petitioner
Maharana

Mr. A. Pattnaik, Advocate

-versus-

State of Odisha* *Opp. Party

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

CORAM:
JUSTICE S.K. SAHOO

ORDER
05.04.2022

Order No.

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

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Bolagarh P.S. Case No.05 of 2022 corresponding to G.R. Case No.18 of 2022 pending before the learned S.D.J.M., Khurda for commission of alleged offences under sections 294, 323, 307, 354-B/34 of the Indian Penal Code.

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

Learned counsel for the petitioner submitted

that in the body of the petition, instead of the offence under section 307 of the Indian Penal Code, it has been inadvertently mentioned as section 304 of the Indian Penal Code. Placing the F.I.R., it is contended that the allegation against the petitioner is that he assaulted the informant with a stick on his head, but there are no such materials to attract the ingredients of the offence under section 307 of the Indian Penal Code and the informant is the injured in the case.

Learned counsel for the State opposed the prayer for anticipatory bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner and on hearing the learned counsel for the State, I am inclined to release the petitioner on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner in connection with the aforesaid case, he shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that he shall make himself available for interrogation by the I.O. as and when required and he 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

PKSahoo

