

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2777 of 2021

1. Dhaneswar Jena

2. Sanjay Kumar Jena **Petitioners**

Mr. Manas Chand, Advocate

-versus-

State of Odisha

.... **Opp. Party**

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

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

**ORDER
16.02.2022**

Order No.

05. 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 Soso P.S. Case No.15 of 2019 corresponding to G.R. Case No.64 of 2019 pending in the Court of learned S.D.J.M., Anandapur for alleged commission of offences under sections 341/325/326/307/379/294/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioners submitted that relating to the incident dated 30.11.2017, Soso

P.S. Case No.117 was registered on 30.11.2017 under sections 147/148/325/307/294/506/149 of the Indian Penal Code on the written report submitted by one Pitamber Sha and in the said case, the petitioners Dhaneswar Jena and Sanjay Kumar Jena were taken into custody and they were released on bail and now the case is subjudiced in the Court of learned Additional Sessions Judge, Anandapur in S.T. Case No.39 of 2019. It is further contended that the present F.I.R. has been lodged relating to the self-same occurrence and the injury was caused to the self-same injured persons on 17.02.2019 and therefore, the petitioners are apprehending that they would be again arrested and forwarded to the Court and remained in custody. It is further contended that since the petitioners have already been released on bail after remaining for some time in judicial custody relating to the selfsame occurrence, this anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State has produced the case diary and does not dispute that the occurrence date and the transaction in the two F.I.Rs. and the injured persons in two F.I.Rs. are the same.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners and since the petitioners have already been granted bail relating to

the self-same occurrence, I am inclined to release the petitioners on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioners 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 one surety 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 such facts to the Court or to the Investigating Officer.

Violation of any of the above conditions shall entail cancellation of bail.

The ABLAPL is accordingly disposed of.

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

(S.K. Sahoo)
Judge

RKM