

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2730 of 2022

- 1. Suresh Mahunta**
- 2. Priyaranjan Pradhan**
- 3. Muktikanta Mohanty**
- 4. Jyotiprakash Lenka**
- 5. Sudarsan Lenka**
- 6. Batakrushna Biswal**
- 7. Sukanta Khilar**
- 8. Sagar Mohanty**
- 9. Dilip Jena**
- 10. Dipak Kumar Mahunta**
- 11. Rajesh Biswal**

Petitioners

Mr.J.K. Mohapatra, Advocate

-versus-

- 1. State of Odisha**
- 2. Golak Das**

Opp. Parties

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

CORAM:
JUSTICE S.K. SAHOO

ORDER

Order No.

27.04.2022

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

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

Learned counsel for the State on instruction submitted that the notice on the informant is sufficient.

None appears on behalf of the informant.

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Dhamara P.S. Case No.23 of 2022 corresponding to G.R. Case No.40 of 2022 pending in the Court of learned Special Judge –cum- Sessions Judge, Bhadrak for alleged commission of offences under sections 147/148/323/307/294/506/354/34 of the Indian Penal Code and sections 3(1)(r)(s) and 3(2)(va) of SC and ST (PoA) Act, 1989.

Learned counsel for the State submitted that one Alekh Das is the injured in the case and he has sustained simple injuries. He further submitted that the petitioner no.4 Jyotiprakash Lenka and petitioner no.5 Sudarsan Lenka have got criminal antecedents.

In view of available materials on record particularly the criminal antecedents against the petitioner no.4 Jyotiprakash Lenka and petitioner no.5 Sudarsan Lenka, while not inclining to grant anticipatory bail to them, it is observed that in the event petitioner nos.4 and 5 surrender in the learned Court below and move for bail, the learned Court below shall dispose of the same in accordance with law expeditiously. The case records shall be made available to the Court concerned.

So far as petitioners nos.1 to 3 and 6 to 11 are concerned, considering the nature of accusation and

absence of any criminal antecedents against them and there are no such materials to attract the ingredients of the offence under section 3 of the S.C. and S.T. (PoA) Act and section 18 of the said Act is not a bar to entertain this anticipatory bail application and there is no material that they have misutilised the liberty granted to them while on interim bail, the interim order dated 06.04.2022 so far as petitioners nos.1 to 3 and 6 to 11 is made absolute.

The ABLAPL is disposed of.

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



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