

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2731 of 2022

**1. Ugela @ Ramakant
Mohanty
2. Radhasyam Mohanty
3. Kanhu @ Satyabrat
Mohanty
4. Susant Behera
5. Tina @ Nisikanta
Mohanty
6. Pradipta Mohanty
7. Banthua @ Prafulla
Mohanty
8. Manas Mohanty**

Petitioners

Mr. P.K. Barik, Advocate

-versus-

State of Odisha

Opp. Party

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

CORAM:

JUSTICE S.K. SAHOO

ORDER

04.05.2022

Order No.

03. 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 Chandbali P.S. Case No.92 of 2022 corresponding to Special Case No.56 of 2022 pending in the Court of learned Sessions Judge -cum- Special Judge, Bhadrak (SC and ST) for the commission of the alleged offences punishable under sections 341, 323, 294, 324, 506/34 of the Indian Penal Code and sections 3(1)(r), 3(1)(va), of the S.C. & S.T. (PoA) Act, 1989 (Amendment Act-2018).

It appears that the case was filed on 11.03.2022 and when the matter was taken up on 06.04.2022, learned counsel for the petitioners was directed to serve an extra copy of the anticipatory bail application on the learned counsel for the State by 07.04.2022 for its service on the informant. The matter was again taken up on 27.04.2022 and the learned counsel for the State took further time to obtain instruction regarding sufficiency of service of notice on the informant. Today, when the matter was taken up, learned counsel for the State has produced written instruction dated 03.05.2022 received from the Inspector-in-charge of Chandbali police station which indicates that the petitioners have got no criminal antecedents, however, he further submitted that he has not received any instruction regarding sufficiency of service of notice on the informant. Since the case has suffered two adjournments, I am not inclined to grant further adjournments in the matter.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners 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, the interim order dated 06.04.2022 is made absolute.

The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.



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