

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2907 of 2022

- 1. Deepak Bag @ Dipak**
- 2. Jami Sagar @ Jami**
- 3. Tinku Chhatria @ Tingu**
- 4. Dibas Nag @ Dibas**
- 5. Hemanta Suna @ Hemanta**
- 6. Pinku Kumbhar @ Pinku**
- 7. Benium Nanda @ Benium**
- 8. Bibhu Nanda @ Bibhu**
- 9. Jayanta Suna @ Jayanta**
- 10. Rohit Nanda @ Rohit**
- 11. Jitu Nag @ Jaita**
- 12. Abhijit Nag @ Abhijit** **Petitioners**

Mr. B.B. Routray, Advocate

-versus-

State of Odisha ★

.... ★ **Opp. Party**

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

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

ORDER

26.04.2022

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 C.T. Case No.1333 of 2021 arising out of Bargarh P.S.

Case No.571 of 2021 pending in the Court of learned S.D.J.M., Bargarh for alleged commission of offences under sections 147/323/326/307/148/149 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the State has produced the written instruction received from the Inspector in-charge of Bargarh Town police station which indicates that there are two injured persons in this case, namely, Ghanashyam Ghasi @ Undu and Jitu Kumbhar and both of them have sustained simple injuries. So far as criminal antecedent is concerned, it is mentioned that except petitioner no.8 Bibhu Nanda @ Bibhu, no other petitioners have any criminal antecedents. The written instruction is taken on record.

Considering the submissions made by the learned counsel for the respective parties, the nature of overt act alleged and absence of any criminal antecedents, I am inclined to release the petitioners nos.1 to 7 and 9 to 12 on anticipatory bail. Accordingly, this Court directs that in the event of arrest of petitioners nos.1 to 7 and 9 to 12, namely, Deepak Bag @ Dipak, Jami Sagar @ Jami, Tinku Chhatra @ Tingu, Dibas Nag @ Dibas, Hemanta Suna @ Hemanta, Pinku Kumbhar @ Pinku, Benium Nanda @ Benium, Jayanta Suna @ Jayanta, Rohit Nanda @ Rohit, Jitu Nag @ Jaita and Abhijit Nag @ Abhijit respectively 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 such facts to the Court or to the Investigating Officer.

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

So far as petitioner no.8 Bibhu Nanda @ Bibhu is concerned, in view of the availability of the criminal antecedents, while not inclining to grant anticipatory bail to him, it is observed that in the event the petitioner no.8 Bibhu Nanda @ Bibhu surrenders in the Court below within a period of four weeks from today and moves for bail, the same shall be disposed of as expeditiously as possible by the Courts below in accordance with law. The case records shall be made available to the Court concerned.

The ABLAPL is accordingly disposed of.

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

(S.K. Sahoo)
Judge

RKM