

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.2953 of 2022

**1. Sri Mahendra Ray
2. Jagabandhu Ray**

.... Petitioners

Mr.P.K. Sahoo, Advocate

-versus-

State of Odisha

.... Opp. Party

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

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

**ORDER
19.04.2022**

Order No.

01. 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 Dhusuri P.S. Case No.68 of 2022 corresponding to G.R. Case No.146 of 2022 pending before the learned J.M.F.C., Dhamnagar for commission of alleged offences under sections 341, 294, 325, 323 307, 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submitted that it is a case and counter case and there are no

such materials to attract the ingredients of the offence under section 307 of the Indian Penal Code and on hearing the learned counsel for the State, who submitted the victim has sustained two injuries and one of the injury is on the head and the final opinion in respect of such injuries have not yet been obtained and the accusation of assault is against petitioner no.1 Sri Mahendra Ray, in view of the available materials on record and considering the nature of accusation against petitioner no.1 Sri Mahendra Ray, while not inclining to grant anticipatory bail to him, it is observed that in the event petitioner no.1 surrenders in the learned Court below and moves for bail, the learned Courts below shall dispose of the same in accordance with law expeditiously. The case records shall be made available to the Courts concerned for disposal of the bail application.

So far as petitioner no.2 Jagabandhu Ray is concerned, taking into account the nature of accusation and absence of any specific overt act of assault against him, I am inclined to release petitioner no.2 on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner no.2 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.

