

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3019 of 2022

**1. Debadatta Mahakud
2. Sugyan Thati
3. Bigyan Mahakud
4. Tikun Mahakud
5. Kaustav Mahakud
6. Chakradhar Palia
7. Rajesh Menduli**

.... Petitioners

Mr. S.K. Rout, Advocate

-versus-

State of Odisha

....

Opp. Party

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

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

**ORDER
26.04.2022**

Order No.

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

Heard the 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.96 of 2022 arising out of Boudh P.S. Case No.79 of 2022 pending in the Court of learned S.D.J.M., Boudh for alleged commission of offences under sections 341/294/323/506/34 of the

Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioners submitted that it is a case and counter case and during the last Gram Panchayat election on account of political dispute between the parties, the case has been foisted and the offences are triable by Magistrate and the only non-bailable offence is under section 506 of the Indian Penal Code and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State on instruction submitted that the Investigating Officer was contemplating to serve the notices under section 41A of Cr.P.C. on the petitioners but they are not available.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners and the fact that the offences are triable by Magistrate, 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 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.

The ABLAPL is accordingly disposed of.

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



RKM