

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3076 of 2022

1. Sk. Kalimuddin @ Sk.

Chand

2. Anjar Khan @ Anzar

Khan

3. Abdul Ansur Khan @

Ansur Ali Khan

4. Bijayananda Mahapatra

5. Dhiren Sahu

6. Kailash Sahoo

.... Petitioners

Mr. J. Sahoo, 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.

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 Begunia P.S. Case No.62 of 2022 corresponding to G.R. Case No.379 of 2022 pending before the learned S.D.J.M., Khurda for commission

of alleged offences under sections 147, 148, 447, 353, 427, 294, 323, 332, 379, 354, 506, 149.

Learned counsel for the State on instruction submitted that the petitioner no.6 Kailash Sahoo has got three criminal antecedents.

In view of available materials on record particularly the criminal antecedents against the petitioner no.6 Kailash Sahoo, while not inclining to grant anticipatory bail to him, it is observed that in the event petitioner no.6 surrenders in the learned Court below and moves for bail, the learned Courts below shall dispose of the same in accordance with law expeditiously and claim of parity with the co-accused persons, who are stated to have been released on bail, shall be taken into account at the time of adjudication of the bail application. The case records shall be made available to the Court concerned.

So far as petitioners nos.1 to 5 are concerned, considering the nature of accusation against them and the submission made by the learned counsel for the petitioners that on account of political dispute between the parties during the last Gram Panchayat election, the case has been foisted and the offences are triable by Magistrate and absence of criminal antecedents against them and on hearing the learned counsel for the State, I am inclined to release them on anticipatory bail. Accordingly, this Court directs

that in the event of arrest of the petitioners nos. 1 to 5 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 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.

संयुक्त न्यायो

(S.K. Sahoo)
Judge