

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 3085 of 2022

**1. Swadhin Kumar
Mohanty**

2. Narahari Sahoo

3. Abhaya Kumar Jena

....

Petitioners

Mr.S.P. Dash, Advocate

-versus-

1. State of Odisha

2. Duryodhan Das

....

Opp. Parties

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

CORAM:

JUSTICE S.K. SAHOO

ORDER

18.05.2022

Order No.

02.

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

Learned counsel for the State submitted that notice on the informant has been made sufficient.

None appears for the informant.

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 Simulia P.S. Case No. 95 of 2022 corresponding to Special Case No.29 of 2022 pending in the Court of learned Addl. Sessions Judge -cum- Special Judge (S.C. & S.T.), Balasore

for the commission of the alleged offences punishable under sections 294,506/34 of the Indian Penal Code, section 5 of the Odisha Fire Works and Louder Speaker (Regulation) Act, 1958 and section 3(1)(r) of S.C. & S.T. (PoA) Act.

Considering the submissions made by the learned counsel for the petitioners that the accusations against the petitioners are omnibus in nature, the ingredients of the offence under section 3 of the S.C. & S.T. (PoA) Act are not attracted and section 18 is not a bar for entertaining the application under section 438 of Cr.P.C. and on hearing the learned counsel for the State and the fact that the petitioners have been granted interim protection as per order dated 04.05.2022 and there is no material that they have misutilized their liberty, the interim order dated 04.05.2022 is made absolute.

The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

PKSahoo