

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3307 of 2022

1. Santosh Kumar Biswal

@ Santosh Biswal

2. Malaya Kumar Biswal

3. Prasanna Kumar

Mohanty @ Prasanna

Mohanty

4. Pradeep Kumar

Mohanty

5. Manas Mohanty

6. Manoj Kumar Mohanty

7. Bhagabata Mohanty

8. Sushanta Mohanty Petitioners

Mr.D.P. Pattanaik, Advocate

-versus-

State of Odisha

.... Opp. Party

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

CORAM:

JUSTICE S.K. SAHOO

ORDER

Order No.

10.05.2022

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 C.T. Case No.163 of 2022 arising out

of Nilagiri P.S. Case No.110 of 2022 pending in the Court of learned S.D.J.M., Nilagiri for alleged commission of offences under sections 341/294/323/379/427/354/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the State on instruction submitted that the petitioner no.3 Prasanna Kumar Mohanty @ Prasanna Mohanty has got five criminal antecedents. Similarly the petitioner no.5 Manas Mohanty has got criminal antecedent

Considering the availability of the criminal antecedents against petitioners nos.3 and 5, while not inclining to grant anticipatory bail to them, it is observed that in the event the petitioners nos.3 and 5 Prasanna Kumar Mohanty @ Prasanna Mohanty and Manas Mohanty surrender in the Court below within a period of four weeks from today and move 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.

So far as petitioners nos.1, 2, 4 and 6 to 8 are concerned, taking into account the nature of accusation against them and absence of any criminal antecedents and the fact that the offences are triable by Magistrate, I am inclined to release the on

anticipatory bail. Accordingly, this Court directs that in the event of arrest of petitioners nos.1, 2, 4 and 6 to 8 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.

(S.K. Sahoo)
Judge