

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3317 of 2022

- 1. Bholanath @ Bholanath
Behera**
- 2. Kamala @
Kamalakanta Behera**
- 3. Nishi @ Nishikanta
Behera**
- 4. Chagala @ Prasanta
Behera**
- 5. Deba @ Debendra
Behera**
- 6. Basanta Kar**
- 7. Siba @ Sibaprasad
Sahoo**
- 8. Rama Jena**
- 9. Akshya Behera**
- 10. Markanda Mahakuda**
- 11. Sashi @ Sashikanta
Behera**

Petitioners

Mr. P.K. Das, Advocate

-versus-

State of Odisha

Opp. Party

*Mr. A. Das,
Addl. Government Advocate*

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

**ORDER
27.06.2022**

Order No.

03. 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 Agarpada P.S. Case No.74 of 2022 corresponding to G.R. Case No.731 of 2022 pending before the learned S.D.J.M., Bhadrak for commission of alleged offences under sections 341, 323, 307, 379, 506, 34 of the Indian Penal Code.

Learned counsel for the petitioners submitted that petitioner no.1 has already been arrested.

In view of such submission, this anticipatory bail application so far as petitioner no.1 is disposed of as infructuous.

Learned counsel for the petitioners submitted that specific overt act has been alleged against two persons, namely, petitioner no.5 Deba @ Debendra Behera and petitioner no.11 Sashi @ Sashikanta Behera.

Considering the nature of accusation against the petitioner no.5 and petitioner no.11, while not inclining to grant anticipatory bail to them, it is observed that in the event they surrender in the learned Court below and move 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 petitioners nos.2 to 4 namely, Kamala

@ Kamalakanta Behera, Nishi @ Nischikanta Behera and Chagala @ Prasanta Behera so also petitioners nos. 6 to 10 namely, Basanta Kar, Siba @ Sibaprasad Sahoo, Rama Jena, Akshya Behera and Markanda Mahakuda are concerned, in absence of any specific overt act against them, I am inclined to release them on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioners nos.2 to 4 and 6 to 10 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.

(S.K. Sahoo)
Judge

