

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3352 of 2022

1. Ajaya Kumar Swain

2. Kailash Swain

....

Petitioners

Mr.S.R.Jena, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr.J.P.Patra,

Addl. Standing Counsel

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

**ORDER
10.05.2022**

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 Penthakata Marine P.S. Case No.26 of 2022 corresponding to G.R. Case No.577 of 2022 pending before the learned S.D.J.M., Puri for commission of alleged offences under sections 341/323/324/379/34 of the Indian Penal Code.

Perused the F.I.R. annexed to the anticipatory bail application.

Learned counsel for the State on instruction submitted that petitioner no.1 Ajay Kumar Swain is having one criminal antecedent.

In view of availability of criminal antecedent against petitioner no.1, while not inclining to grant anticipatory bail to

him, it is observed that in the event he surrenders 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 petitioner no.2 Kailash Swain is concerned, in absence of any criminal antecedent against him and the fact that the injured persons have sustained simple injuries as stated by the learned counsel for the State, I am inclined to release petitioner no.2 on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner no.2 in connection with the aforesaid case, he shall be released on bail on furnishing bail bond of Rs.10,000/-(rupees ten thousand) with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that he shall make himself available for interrogation by the I.O. as and when required and he 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

PKSahoo