

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3373 of 2022

1. Dipa Swain
2. Santosh Kumar Swain
3. Bapina Swain
4. Srikuna Swain **Petitioners**

Mr.S.N. Mishra, 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.29 of 2022 corresponding to G.R. Case No.616 of 2022 pending before the learned S.D.J.M., Puri for commission of alleged offences under sections 294, 427,506/34 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 Dipa Swain is having two criminal antecedents including one under section 9-B of the Explosives Substances Act.

In view of availability of criminal antecedents 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 Santosh Kumar Swain, petitioner no.3 Bapina Swain and petitioner no.4 Srikuna Swain are concerned, in absence of any criminal antecedent against them and the fact that the offences are triable by Magistrate and the only non-bailable offence is one under section 506 of the Indian Penal Code, I am inclined to release petitioners nos.2, 3 and 4 on anticipatory bail and accordingly, this Court directs that in the event of their arrest 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

PKSahoo

