

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3375 of 2022

**1. Tulia Nayak @ Tulan
Nayak**

**2. Suresh Chandra Panda @
Gujuna Panda**

**3. Achutananda Parida @
Bula**

**4. Golekha Bihari Nayak @
Golia**

5. Prahallad Sahoo **Petitioners**

Mr.A.K. Karmi, Advocate

-versus-

State of Odisha

Opp. Party

*Mr.J.P.Patra,
Addl. Standing Counsel
Mr. D.Mohapatra, Advocate (for the
informant.*

**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 as well as learned counsel for the informant.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Raghunathpur P.S. Case No.38 of 2022 corresponding to G.R. Case No.36 of 2022 pending in the Court of learned J.M.F.C., Grama

Nyayalaya, Raghunathpur for alleged commission of offences under sections 341, 294, 323, 427, 379, 307, 354-B, 452/34 of the Indian Penal Code.

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

Learned counsel for the informant submitted that the petitioner no.5 Prahallad Sahoo has got three criminal antecedents. He has filed the documents to that effect by way of affidavit.

In view of availability of criminal antecedents against petitioner no.5, 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.

Learned counsel for the State on instruction submitted that notice as contemplated under section 41A of Cr.P.C. has been served on the petitioner no.1 and he has complied with the terms of the notice and therefore, there is no apprehension of arrest of the petitioner no. 1 in connection with this case.

In view of such submission, this ABLAPL so far as it concerns to petitioner no.1 Tulia Nayak @ Tulan Nayak stands disposed of.

So far as petitioner no.2 Suresh Chandra Panda @ Gujuna Panda, petitioner no.3 Achutananda Parida

@ Bula and petitioner no.4 Golekha Bihari Nayak @ Golia are concerned, in view of the submission made by the learned counsel for the State that the injured in the case is one Sukanta Kumar Sahoo and he has sustained simple injuries, I am inclined to release the petitioners nos. 2, 3 and 4 on anticipatory bail and accordingly, this Court directs that in the event of arrest of petitioners nos. 2, 3 and 4 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.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

PKSahoo