

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3394 of 2022

- 1. Kailash Swain**
- 2. Rusia Swain**
- 3. Kalandi Swain**
- 4. Sagar Swain**
- 5. Sukanta Swain**
- 6. Basanta Swain**
- 7. Tuna Swain**
- 8. Jitu Swain**
- 9. Sanu Swain**
- 10. Guguna Swain @
Papuna**
- 11. Khetu Swain @
Khetramohan Swain**
- 12. Dhusasan Swain**
- 13. Duryodhan Swain**
- 14. Bikash Swain**
- 15. Subash Kumar Swain**
- 16. Suresh Swain @
Kanha**
- 17. Ranjan Nayak @
Ranjan Swain**
- 18. Jaganath Swain**
- 19. Ratikanta Swain**
- 20. Anil Kumar Swain**
- 21. Sunil Kumar Swain**
- 22. Sabakhia Swain @
Surendra Swain**
- 23. Maguni Swain**
- 24. Lingaraj Swain**
- 25. Lokanath Swain**
- 26. Gadadhar Swain**
- 27. Padu Swain**
- 28. Sanatan Swain**
- 29. Ghanasyama Swain**
- 30. Hullas Swain**
- 31. Santosh Swain @
Baunty**

32. Saroj Swain
33. Ramesh Swain
34. Kanha Swain
35. Kalia Swain @ Manas Swain.

.... **Petitioners**

Mr.T.P. Mohapatra, Advocate

-versus-

State of Odisha

.... **Opp. Party**

Mr. D.K. Pani,
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER

11.05.2022

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.22 of 2022 corresponding to G.R. Case No.431 of 2022 pending before the learned S.D.J.M., Puri for commission of alleged offences under sections 294, 326, 341, 354, 324, 379, 506/34 of the Indian Penal Code.

Learned counsel for the State on instruction submitted that the petitioner no.1 Kailash Swain has

got six criminal antecedents.

In view of available materials on record particularly the criminal antecedents against the petitioner no.1 Kailash Swain, while not inclining to grant anticipatory bail to him, it is observed that in the event petitioner no.1 surrenders in the learned Court below and moves 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 Court concerned.

So far as petitioners nos.2 to 35 are concerned, considering the nature of accusation against them and the submission made by the learned counsel for the petitioners that it is a case and counter case and the offences are triable by Magistrate and on hearing the learned counsel for the State who submitted that the injured Pratap Swain has got simple injury, I am inclined to release them on anticipatory bail. Accordingly, this Court directs that in the event of arrest of the petitioners nos. 2 to 35 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



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