

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3328 of 2021

**1. Gajanan Bihar
2. Baijayantimala Pan
3. Goda @ Gajendra Bihar
4. Nakula Durga
5. Jhuni Durga
6. Kartik Chhatia**

.... Petitioners

Mr.S. Panda, Advocate

-versus-

State of Odisha

.... Opp. Party

*Mrs.Susamarani Sahu
Addl. Standing Counsel*

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

**ORDER
23.03.2022**

Order No.

03. 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 Jaipatna P.S. Case No.62 of 2021 corresponding to G.R. Case No.61 of 2021 pending before the learned J.M.F.C., Jaipatna for commission of alleged offences under sections 366, 376(2)(n), 294, 323, 307, 417, 506, 109/34 of the Indian Penal

Code.

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

Learned counsel for the State placed the 164 Cr.P.C statement of the victim.

Learned counsel for the petitioners submits that the petitioner no.6 Kartik Chhatia has already been taken into custody and he has been released on bail.

In view of such submissions, this ABLAPL so far as the petitioner no.6 is concerned has become infructuous and disposed of.

In view of the nature and gravity of accusation against the petitioner nos.1, 3 and 4, 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.

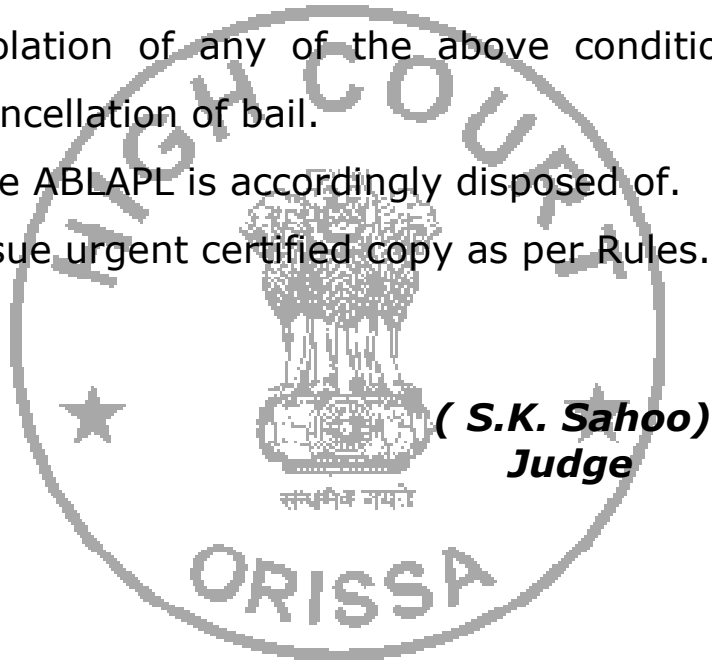
So far as petitioner no.2 Baijayantimala Pan and petitioner no.5 Jhuni Durga are concerned, in absence of any specific overt act against them and that they are ladies, keeping in view the proviso to section 437(1) of Cr.P.C., I am inclined to release them on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner nos. 2 and 5 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.



PKSahoo