

IN THE HIGH COURT OF OISSA AT CUTTACK

ABLAPL No.3627 of 2022

- 1. Santosh Kumar Swain**
- 2. Prakash Kumar Swain**
- 3. Rajesh Kumar Swain**
- 4. Sritam Swain**
- 5. Sidhanta Swain**
- 6. Dinesh Swain @ Tukula**
- 7. Naru 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

19.05.2022

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 G.R. Case No.578 of 2022 arising out of Penthakata Marine P.S. Case No.27 of 2022 pending in the Court of learned S.D.J.M., Puri for alleged commission of offences under sections

294/341/323/506/34 of the Indian Penal Code read with section 25 of the Arms Act.

Perused the F.I.R.

Learned counsel for the State on instruction submitted that the petitioner no.1 Santosh Kumar Swain has got ten criminal antecedents and the specific overt act has been attributed against the petitioner no.7 Naru Swain.

In view of such submission, while not inclining to grant anticipatory bail to petitioners nos.1 and 7, it is observed that in the event the petitioner no.1 Santosh Kumar Swain and petitioner no.7 Naru Swain surrender in the Court below within a period of four weeks from today and move for bail, the same shall be disposed of as expeditiously as possible by the Courts below in accordance with law. The case records shall be made available to the Court concerned at the time of adjudication of the bail application.

So far as petitioners nos.2 to 6 are concerned, considering the submissions made by the learned counsel for the petitioners that the informant and the petitioners nos.2 to 6 belonged to same village and the offences are triable by Magistrate and the only non-bailable offence is under section 506 of the Indian Penal Code, I am inclined to release them on anticipatory bail. Accordingly, this Court directs that in the event of arrest of petitioners nos.2 to 6, namely,

Prakash Kumar Swain, Rajesh Kumar Swain, Sritam Swain, Sidhanta Swain and Dinesh Swain @ Tukula respectively 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.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge

RKM