

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 4299 of 2022

1. Jagabandhu Das

2. Banamali Das

3. Subham Das

4. Alok Jyoti Das

5. Jiban Jyoti Das

.... Petitioners

Mr.M.K.Millick, Advocate

-versus-

State of Odisha

.... Opp. Party

Mr. J.P.Patra,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

06.05.2022

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 Aul P.S. Case No.122 of 2022 corresponding to G.R. Case No. 211 of 2022 pending before the learned J.M.F.C., Aul for commission of alleged offence under section 325, 307, 506, 294/34 of the Indian Penal Code.

Learned counsel for the State on instruction

submitted that petitioner no.1 Jagabandhu Das has got two criminal antecedents. Learned counsel further submitted that so far as petitioner nos.2 to 5 are concerned, they have got no criminal antecedents and the injured is one Gagan Bihari Das, who has sustained simple injuries.

In view of availability of criminal antecedents and the nature of accusation against petitioner no.1 Jagabandhu Das, while not inclining to grant him anticipatory bail, 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 Courts concerned for disposal of the bail application.

So far as petitioner no. 2 Banamali Das, petitioner no.3 Subham Das and petitioner no.4 Alok Jyoti Das and petitioner no.5 Jiban Jyoti Das are concerned, considering the nature of accusation and absence of criminal antecedents and the submission of the learned counsel for the petitioners that the ingredients of the offence under section 307 of the Indian Penal Code are not attracted and petitioner nos.3 and 5 are students and they have to appear at the Council of Higher Secondary Examination, 2022, I am inclined to release petitioners nos.2 to 5 on

anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner nos.2 to 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.

(S.K. Sahoo)
Judge