

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 4051 of 2021

1. Dhabaleswar Jena
2. Bhabani Prasad Jena

.... **Petitioners**

Mr.J. Sahoo, Advocate

-versus-

State of Odisha

.... **Opp. Party**

Mr. J.P. Patra,
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 of Cr.P.C. for grant of anticipatory bail to the petitioners in connection with G.R. Case No.308 of 2021 arising out of Kodala P.S. Case No. 98 of 2021 pending in the Court of learned J.M.F.C., Khallikote for alleged commission of offences under sections 341/323/ 324/ 326/307/294/506/34 of the Indian Penal Code read with section 27 of the Arms Act.

Learned counsel for the petitioners submitted that the main allegation of assault is against one Tulu Swain who is stated to have assaulted the injured Niranjana Bhuyan by means of a sword and in absence of any specific overt act of assault against the petitioners, the anticipatory bail application may be favourably considered.

Learned counsel for the State has produced the case diary and placed the injury report of Niranjana Bhuyan which indicates that he has sustained seven injuries on different parts of the body and some of the injuries are grievous in nature. He further placed the statement of eye witnesses which indicate that it is co-accused Tulu Swain who assaulted the said injured.

Considering the submissions made by the learned counsel for the respective parties and the nature of overt act alleged against the petitioners and the fact that the petitioners have been granted interim protection as per the order dated 09.04.2021 and there is no material that they have misutilized the terms and conditions of the interim order, the interim order dated 09.04.2021 is made absolute.

Accordingly, the ABLAPL is disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge