

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6003 of 2022

1. Anjana Behera
2. Sujata Rao @ Behera
3. Manoj Behera
4. Bijaya Behera
5. Arjyaswami Behera
6. Babulu Behera
7. Nabin Behera
8. Aruna Behera **Petitioners**

Mr.B.N. Satapathy, Advocate

-versus-

State of Odisha

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Opp. Party

*Miss. Susamarani Sahoo,
Addl. Standing Counsel*

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

ORDER

21.06.2022

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 Abhayachandpur P.S. Case No.148 of 2022 corresponding to G.R. Case No.281 of 2022 pending before the learned J.M.F.C., Erasama for commission of alleged offences under sections 341, 294, 323, 325, 307,

427, 379, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submitted that on account of illicit selling of liquor in the village, there was dispute between the parties, for which the case has been foisted and two of the co-accused persons namely, Nibas Kumar Behera and Sashikanta Bhoi who were taken into judicial custody, have already been released on bail by the learned Addl. Sessions Judge, Kujang as per the order dated 06.05.2022. In support of such submission, learned counsel for the petitioner files the copy of the order which is taken on record. He further submits that there are no such materials to attract the ingredients of the offence under section 307 of the Indian Penal Code and therefore, the anticipatory bail application may be favourably considered.

Learned counsel for the State submits that in this case one Gobinda Maity is the injured and though he has sustained simple injury but his statement indicates that the petitioner no.4 and others assaulted him.

Considering the nature of accusation against the petitioner no.4 Bijay Behera, while not inclining to grant anticipatory bail to him, it is observed that in the event he surrenders in the learned Court below within a period of four weeks from today 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 petitioners nos.1 to 3 namely, Anjana

Behera, Sujata Rao @ Behera and Manoj Behera and petitioners nos. 5 to 8 namely, Arjyaswami Behera, Babulu Behera, Nabin Behera and Aruna Behera are concerned, in absence of any specific overt act against them, I am inclined to release them on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioners nos.1 to 3 and 5 to 8 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