

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No.6087 of 2022**

**1. Bijayananda Nayak**  
**2. Soudamini Nayak** .... **Petitioners**

Mr.P.Panda, Advocate

-versus-

**State of Odisha & another** .... **Opp. Parties**

Mr. Arupananda Das,  
Addl. Government Advocate  
Mr. B.N.Bhol, Advocate (for the  
informant)

**CORAM:**

**JUSTICE S.K. SAHOO**

**ORDER**

**22.06.2022**

**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 as well as learned counsel for the informant.

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in connection with Tirtol P.S. Case No.295 of 2022 corresponding to C.T. Case No.138 of 2022 pending in the Court of learned Sessions Judge, Jagatsinghpur for offences punishable under sections 341, 323, 324, 354, 294, 506/34 of the Indian Penal Code and

section 3(1)(r)(s)(v)(va) of the S.C. & S.T. (PoA) Act.

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

Learned counsel for the petitioners submitted that there was previous dispute between the parties in connection with land matters and it is a case and counter case and the informant is the injured in the case and she has sustained simple injuries and the ingredients of the offence under section 3 of the S.C. & S.T. (PoA) Act are not attracted and therefore, section 18 of the said Act is not a bar to entertain this application and thus, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the informant, on the other hand, opposed the prayer for anticipatory bail.

Learned counsel for the State placed the injury report of the informant, Priyanka Mallick, which indicates that she has sustained injury on her head, which has been opined to be simple in nature.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners, the background of the case and the fact that the injured has sustained simple injuries, I am inclined to release the petitioners on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioners 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.

Issue urgent certified copy as per Rules.

**( S.K. Sahoo )**  
**Judge**

PKSahoo