

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6090 of 2022

**1. Jaganath Das
2. Gopinath Das
3. Bhanumati Das @
Jyoshna Rani
4. Mamata Das**

.... Petitioners

Mr. Debasnan Das, Advocate

-versus-

State of Odisha

.... Opp. Party

*Mr. Rajesh Tripathy,
Addl. Standing Counsel*

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

ORDER

06.07.2022

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 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with G.R. Case No.350 of 2022 arising out of Nemalo P.S. Case No.67 of 2022 pending in the Court of learned J.M.F.C., Salipur for alleged commission of offences under sections 448/294/323/324/427/379/506/354/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioners submitted that it is a case and counter case and the offences are triable by Magistrate and in view of the nature of accusation against the petitioners, the anticipatory bail application may be favourably considered.

Learned counsel for the State on instruction submitted that there are three injured persons in this case, namely, Smt. Runa Rani Dash (informant), her husband Somanath Dash and her mother-in-law Satyabhama Dash and though the informant has sustained simple injury but the opinion in respect of some of the injuries of other two injured, namely, Somanath Dash and Satyabhama Dash are reserved. He placed the statement of Somanath Dash from which it appears that he was assaulted by petitioners nos.1 and 2, namely, Jaganath Das and Gopinath Das respectively by bamboo stick for which he has sustained fracture on his leg.

In view of the available materials on record, while not inclining to grant anticipatory bail to petitioners nos.1 and 2, it is observed that in the event the petitioners nos.1 and 2, namely, Jaganath Das and Gopinath Das respectively 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.

So far as petitioners nos.3 and 4 are concerned, in absence of any specific overt act against them and they are ladies, keeping in view the proviso to section 437(1) Cr.P.C., I am inclined to release them on anticipatory bail. Accordingly, this Court directs that in the event of arrest of petitioner no.3 Bhanumati Das @ Jyoshna Rani and petitioner no.4 Mamata Das 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