

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6112 of 2022

Sheshadev Barik **Petitioner**

Mr.A.K. Sethi, Advocate

-versus-

State of Odisha **Opp. Party**

*Mr.Rajesh Tripathy,
Addl. Standing Counsel*

ABLAPL No.6114 of 2022

1. Tunilata Barik
2. Siba Prasad Barik **Petitioners**

Mr.A.K. Sethi, 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. Both the anticipatory bail applications are taken up through Hybrid arrangement (video conferencing/ physical mode).

Since both the anticipatory bail applications arise out of one case i.e. G.R. Case No.437 of 2022 pending

in the Court of learned J.M.F.C.(P), Kujang, with the consent of the learned counsel for the respective parties, both the cases are heard analogously and disposed of by this common order.

Heard learned counsel appearing for the petitioners and learned counsel for the State in both the anticipatory bail applications.

Both the applications under section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Kujang P.S. Case No.174 of 2022 corresponding to G.R. Case No.437 of 2022 pending in the Court of learned J.M.F.C.(P), Kujang for alleged commission of offences under sections 341/323/307/506/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the State on instruction submitted that the injured in this case is none else than the informant Basanti Barik and she has sustained injury on the forehead which has been opined to be simple in nature and the specific allegation has been attributed against the petitioner Sheshadev Barik in ABLAPL No.6112 of 2022, who has assaulted on the head of the informant with a stick. However, he submitted that in the case diary, there is nothing about the criminal antecedents against any of the petitioners.

Considering the submissions made by the

learned counsel for the respective parties, while not inclining to grant anticipatory bail to the petitioner Sheshadev Barik in ABLAPL No.6112 of 2022, it is observed that in the event the petitioner Sheshadev Barik surrenders and moves for bail in the Court below within a period of four weeks from today, the same shall be disposed of by the learned Courts below in accordance with law expeditiously. The case records shall be made available to the Court concerned.

So far as petitioners in ABLAPL No.6114 of 2022, namely, Tunilata Barik and Siba Prasad Barik are concerned, in absence of any specific overt act alleged against them and the nature of injury sustained by the injured, I am inclined to release them on anticipatory bail. Accordingly, this Court directs that in the event of arrest of the petitioners, namely, Tunilata Barik and Siba Prasad Barik in ABLAPL No.6114 of 2022 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.

Both the anticipatory bail applications are accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge

RKM

