

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6308 of 2022

1. Biswanath Mohanty

2. Nibasa Thatoi

....

Petitioners

Mr. S.C. Acharya, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. Arupananda Das,

Addl. Government Advocate

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

**ORDER
29.06.2022**

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 Gurudijhatia P.S. Case No.66 of 2022 corresponding to C.T. Case No.268 of 2022 pending before the learned S.D.J.M., Athagarh for commission of alleged offences under sections 294, 323, 506/34 of the Indian Penal Code.

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

Learned counsel for the State on instruction submitted that petitioner no.1 Biswanath Mohanty is having three criminal antecedents.

In view of availability of criminal antecedents against petitioner no.1 Biswanath Mohanty, while not inclining to grant anticipatory bail to him, it is observed that in the event petitioner no.1 surrenders 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 petitioner no.2 Nibasa Thatoi is concerned, since he has got no criminal antecedent and the fact that the offences are triable by Magistrate and the only non-bailable offence is one under section 506 of the Indian Penal Code, I am inclined to release him on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner no.2 in connection with the aforesaid case, he shall be released on bail on furnishing bail bond of Rs.10,000/-(rupees ten thousand) with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that he shall make himself available for interrogation by the I.O. as and when required and he 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.

(S.K. Sahoo)
Judge

PKSahoo

