

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6749 of 2022

1. Sk. Sahil @ Babu
2. Sk. Amzad Ahmed @
Nawab
3. Sk. Niyamati @ Gutlu
4. Mohammed Aman
5. Nawab Sarif @ Chota
Nabab
6. Ahmad Gulzar @ Sk.
Guljar Ahmed

.... **Petitioners**

Mr. H. Mohanty, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. Manoranjan Mishra,
Addl. Standing Counsel
Mr. A. Thirpathy, Advocate for
the informant

CORAM:
JUSTICE S.K. SAHOO

ORDER

13.07.2022

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Mr. Atul Thirpathy, learned counsel and his associates files power on behalf of the informant along with an affidavit of the informant in which it is mentioned that the matter has been amicably settled between the parties. The vakalatnama and the affidavit are taken on record.

Heard learned counsel for the petitioners, learned counsel for the informant 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 Dargha Bazar P.S. Case No.57 of 2022 corresponding to G.R. Case No.704 of 2022 pending in the Court of learned S.D.J.M., Sadar, Cuttack for alleged commission of offences under sections 147/148/341/294/427/336/307/506/323/149 of the Indian Penal Code read with section 7 of the Criminal Law (2nd Amendment) Act, 1983.

Perused the F.I.R.

Learned counsel for the petitioners submitted that the petitioners and the informant are neighbours and due to misunderstanding between them, the case has been instituted and there are no such materials against the petitioners so as to attract the ingredients of the offence under section 307 of the Indian Penal Code and therefore, the anticipatory bail application of the petitioners may be favourably considered. He has filed the injury report of the injured Arshad Malik with a memo, which indicates that the injured has sustained simple injuries, which is taken on record.

Learned counsel for the State opposed the prayer for anticipatory bail.

Considering the submissions made by the

learned counsel for the respective parties, since the matter has been amicably settled and further taking into account the nature of accusation against the petitioners and the nature of injuries sustained by the injured, 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.

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

(S.K. Sahoo)
Judge