

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6771 of 2022

1. Suku Panka

2. Nila Panka

3. Nara Panka

.... Petitioners

Mr. T.K. Mishra, Advocate

-versus-

State of Odisha

.... Opp. Party

*Mr. Arupananda Das,
Addl. Government Advocate*

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

**ORDER
13.07.2022**

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 G.R. Case No.77 of 2022 arising out of Jharigaon P.S. Case No.79 of 2022 pending in the Court of learned N.G.N. -cum- J.M.F.C., Jharigaon for alleged commission of offences under sections 294/341/323/336/354/325/ 506/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioners submitted that there was dispute between the parties for possession of

Gochar land and the offences are triable by Magistrate and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State, on the other hand, submitted that there are two injured persons in this case, namely, Nakul Panka and Debaki Panka and Nakul Panka has sustained grievous injury on his head and he placed the statement of the injured Nakul Panka, which indicates that the petitioners nos.2 and 3 assaulted him.

In view of the available materials on record against the petitioners nos.2 and 3, while not inclining to release them on anticipatory bail, it is observed that in the event the petitioner no.2 Nila Panka and petitioner no.3 Nara Panka 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.

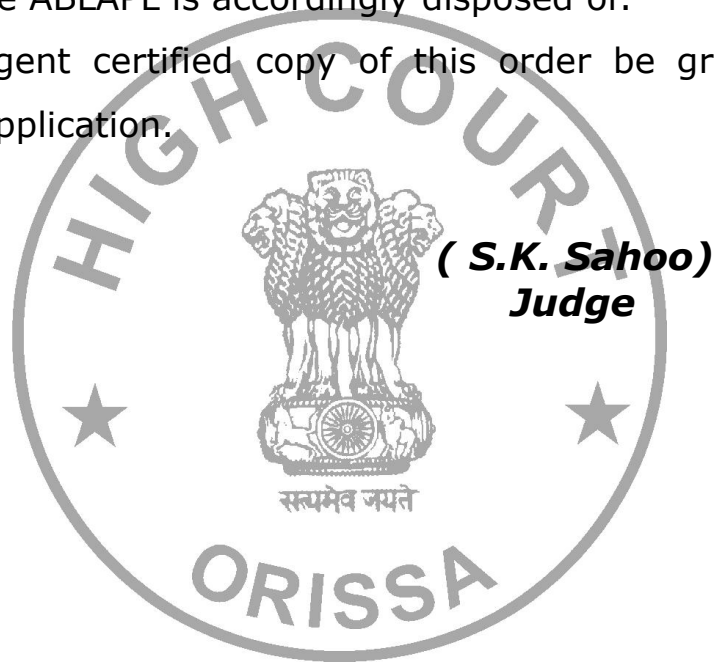
So far as petitioner no.1 Suku Panka is concerned, in absence of any specific overt act against him and the fact that the offences are triable by Magistrate, I am inclined to release him on anticipatory bail. Accordingly, this Court directs that in the event of arrest of petitioner no.1 Suku Panka in 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 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.



RKM