

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7220 of 2022

1. Jugal Swain

2. Lipa Swain

3. Puja @ Pujarani Swain Petitioners

Mr.S.K. Rout, Advocate

-versus-

State of Odisha

.... Opp. Party

Mr.Arupananda Das,

Addl. Government Advocate

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

**ORDER
13.07.2022**

Order No.

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

Learned counsel for the petitioners submitted that Dhenkanal Sadar P.S. Case No.269 of 2022 corresponds to G.R. Case No.784 of 2022, which is pending in the Court of learned S.D.J.M., Dhenkanal but inadvertently in the cause title, G.R. Case has not been mentioned and he may be permitted to mention the same.

Permission is granted.

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.784 of 2022 arising out of Dhenkanal Sadar P.S. Case No.269 of 2022 pending in the Court of learned S.D.J.M., Dhenkanal for alleged commission of offences under sections 341/294/323/325/307/506/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the State on instruction submitted that petitioner no.1 has got two criminal antecedents and there are three injured persons in this case, out of which two of them, namely, Raja Biswal and Lokanath Biswal have sustained grievous injuries and during course of supervision, section 307 of the Indian Penal Code has been deleted.

Considering submissions made by the learned counsel for the respective parties, in view of the availability of criminal antecedents against the petitioner no.1, while not inclining to grant anticipatory bail to him, it is observed that in the event the petitioner no.1 Jugal Swain surrenders 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 and claim of parity with the co-accused, who is stated to have been released on bail, shall be taken into account at the time of adjudication of the bail application. The case records shall be made available to the Court concerned.

So far as petitioners no.2 and 3, namely, Lipa

Swain and Puja @ Pujarani Swain respectively are concerned, in absence of any criminal antecedent and since both the petitioners 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.2 Lipa Swain and petitioner no.3 Puja @ Pujarani Swain 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