

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9474 of 2022

Sudam Charan Beura @ Petitioner
Sudam Charan Behura @
Bankim

Mr. S.R. Mohapatra, Advocate

-versus-

State of Odisha Opp.Party

Mr. Arupananda Das
Addl. Govt. Advocate

CORAM:
JUSTICE S.K. SAHOO

ORDER
15.11.2022

Order No.

02. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in connection with C.T. Case No.64 of 2022 arising out of Khuntuni P.S. Case No.24 of 2022 pending in the Court of learned S.D.J.M., Athagarh for offences punishable under sections 143/294/353/342/ 506/186/269/149 of the Indian Penal Code, section 51 of the Disaster Management Act 2005 and section 7 of the Criminal Law (Amendment) Act,

1932.

Learned counsel for the petitioner submitted that the petitioner who was the Sarpanch of Kandarei Gram Panchayat from 2002 to 2007, 2007 to 2012 and 2012 to 2017, has been falsely implicated in this case. He further submitted that when the petitioner along with others approached this Court earlier for grant of anticipatory bail in connection with this case in ABLAPL No. 2599 of 2022, taking into account the submission made by the learned counsel for the State as per the instruction received that the petitioner along with some other co-accused has got criminal antecedent, this Court rejected the prayer for anticipatory bail of the petitioner along with some others even though some of the co-accused persons, who were having no criminal antecedents were granted anticipatory bail as per order dated 06.04.2022. It is further submitted by the learned counsel for the petitioner that there are altogether three cases against the petitioner and in this case, the F.I.R. is dated 01.02.2022 and the other two cases relates to the F.I.R. dated 17.02.2022 and therefore, the submission that was made by the learned counsel for the State while adjudicating the earlier bail application was not correct. Learned counsel for the State has not disputed that the other two cases were instituted after registration of the F.I.R. of this case.

Considering the submissions made by the learned counsel for the respective parties, the documents annexed to the anticipatory bail application and the instruction obtained by the learned counsel for the State, I am inclined to reconsider the prayer for anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner 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 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. Violation of any of the above conditions shall entail cancellation of bail.

The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge

PKSahoo