

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.14607 of 2022

Biraja Padmavati & others

Petitioners

....
Mr. T.K Mishra, Advocate

-versus-

State of Odisha & another

Opp. Parties

....
Mr. Sasanka Patra, ASC.

CORAM:

JUSTICE CHITTARANJAN DASH

ORDER

29.11.2022

Order No.

- 01.
1. Heard learned counsel for the Petitioners and learned counsel for the State.
 2. This is an application for bail U/s.438 Cr.P.C. filed by the Petitioners in apprehension of arrest for their alleged involvement in the offences Us.420/109/34 of IPC & Section-3(1)(r) of SC & ST P.A Act, 1989.
 3. It is submitted by the learned counsel for the Petitioner that the FIR does not disclose an element of aspersion by caste allegedly to have been hurled at the Informant except the sentence “as being a domb by caste belong to SC and taking disadvantage of his caste the vendors are playing with his rights and harassing him”. In the said sentence there appears no prima facie material to implicate the present Petitioner in the offence U/s. 3(1)(r) SC/ST (PA) Act.

Consequently, there remains the other offences U/s. 420/109/34 of IPC.

4. It is also submitted by the learned counsel for the Petitioners that with regard to the offence U/s. 420/109 r/w Section 34 of IPC the parties are in pray in civil rights and the matters are pending in Civil Court. As appears from the FIR itself the C.S 20 of 2021 is pending before the Senior Civil Judge, Rayagada.

5. Keeping in view the submission of the parties, the nature of allegations as emerged from the materials on record, the circumstances appearing, the seriousness and gravity of the offences, this Court is not inclined to grant the anticipatory bail, however, it is directed that in the event the Petitioners surrender and move for bail in connection with T.R Case No.25 of 2022 arising out of Rayagada P.S. Case No.197 of 2022 pending in the court of learned District & Sessions Judge-cum Special Judge., Rayagada within a period of three weeks' from today, they shall be allowed to go on bail on such terms and conditions as would be deemed just and proper by the said court with further conditions that the Petitioners shall appear in person before the learned court below on each date of posting of the case with further condition as follows:-

- (i). The Petitioners shall cooperate with the investigation and appear before the I.O. as and when required by the I.O;
- (ii). They shall not indulge in criminal activities while on bail.

(iii). They shall appear before the court below on each and every date fixed.

Violation of any of the conditions shall entail cancellation of bail of the Petitioners.

6. The ABLAPL is disposed of accordingly.

(Chittaranjan Dash)
Judge

B.K Sahoo

