

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15780 of 2021

1. Chandra Mohan Jena

2. Jayanti Jena

3. Sridebi Jena

4. Kalia Das @ Tapas Kumar Das **Petitioners**

Mr.G. Siddique, Advocate

-versus-

State of Odisha

Opp. Party

*Mr.D.K. Pani,
Addl. Standing Counsel*

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

**ORDER
07.04.2022**

Order No.

02. 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 Baliapal P.S. Case No.207 of 2021 arising out of ICC Case No. 164 of 2021 pending before the learned J.M.F.C., Basta for commission of alleged offence under section 306/34 of the Indian Penal Code.

Learned counsel for the petitioners submitted

that the case arises out of a complaint petition which was sent under section 156(3) of Cr.P.C. to Inspector in-charge of Baliapal police station and accordingly, the case was registered. It is further submitted that there are no such materials to make out a case under section 306 of the Indian Penal Code and therefore, the prayer for anticipatory bail may be favourably considered.

Learned counsel for the State placed the statement of Ramkrushna Das Adhikari, who is the complainant and submitted that the main allegation seems to be against petitioner no.1 Chandra Mohan Jena.

Considering the submissions made by the learned counsel for the respective parties, while not inclining to grant anticipatory bail to petitioner no.1 Chandra Mohan Jena, it is observed that in the event petitioner no.1 surrenders in the learned Court below and moves for bail, the learned Courts below shall dispose of the same in accordance with law expeditiously. The case records shall be made available to the Courts concerned for disposal of the bail application.

So far as petitioner no. 2 Jayanti Jena and petitioner no. 3 Sridebi Jena, who are ladies and petitioner no.4 Kalia Das @ Tapas Kumar Das are concerned, considering the nature of accusation against them, I am inclined to release petitioners

nos.2, 3 and 4 on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner nos.2, 3 and 4 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 any facts to the Courts or to the Investigating Officer.

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