

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15994 of 2021

- 1. Sapan Kumar Das**
- 2. Sujay Kumar Majhi**
- 3. Laxmidhar Giri**

.... **Petitioners**

Mr. A.P. Bose, Advocate

-versus-

State of Odisha

.... **Opp. Party**

Mr. A.K. Beura,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

12.01.2022

Order No.

01. This matter is taken up through Video Conferencing Mode.

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

This is an application under section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Baliapal P.S Case No. 209 of 2021 corresponding to C.T. Case No.693 of 2021 now pending in the file of learned J.M.F.C., Basta for alleged commission of offence under section 379, 34 of the Indian Penal Code read with section 51 of the OMMC Rules, 2004.

Perused the rejection order dated 24.11.2021 of the learned 3rd Addl. Sessions Judge, Balasore in B.A. No.73-A of 2021 (388 of 2021).

Learned counsel for the petitioners submitted that the petitioners approached the Court of Session for anticipatory bail which was rejected on 24.11.2021 and thereafter they have approached this Court for anticipatory bail.

Considering submission made by the learned counsel for the petitioners that the offences are triable by Magistrate and taking into account the nature of accusation against the petitioners and after hearing the learned counsel for the State, I am inclined to release the petitioners on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioners 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.

In the 1st paragraph of the order dated 24.11.2021, it is mentioned that the bail application of the petitioners has been rejected by the learned J.M.F.C., Basta on merit. In the 2nd paragraph, it has been mentioned that the petitioners being detained in custody, moved the application for pre-arrest bail.

Let an explanation be sought for from the learned 3rd Addl. Sessions Judge, Balasore as to how while dealing with an anticipatory bail application, he has mentioned about such aspects in paragraphs nos.1 and 2. The explanation should be submitted in a sealed cover to the Registrar (Judicial) of this Court whereafter it will be placed before the Administrative Judge of Balasore district.

For such purpose, the file be placed before the learned Registrar (Judicial) of this Court, who shall send a copy of the order to the Court concerned through e-mail.

Parties may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner

prescribed vide Office Order dated 7th January 2022.

p

(S.K. Sahoo)
Judge

