

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16007 of 2021

1. Ajay Kumar Muduli
2. Abhilash Mohanty

.... **Petitioners**

Mr. Abhishek Dash, 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 Kamakhya Nagar P.S. Case No.417 of 2021 corresponding to G.R. Case No. 694 of 2021 pending in the Court of learned S.D.J.M., Kamakhya Nagar, Dhenkanal for alleged commission of offences under sections 294/323/354-B/506/34 of the Indian Penal Code.

Perused the F.I.R. annexed to the anticipatory

bail application.

Learned counsel for the petitioners submits the petitioners are the employees of Dalmia Cement Bharat Limited (DCBL) at Kamakhya Nagar and Petitioner no.1 was working as Sales Officer and petitioner no.2 was working as Junior Technical Officer respectively and on 26.11.2021, the petitioners were on an inspection visit to their authorized sales dealer, who was selling concessional non-trade/not for sale Cement Products meant for institutional buyers and government supply, to local persons unauthorizedly and all on a sudden, the petitioners were attacked with dangerous weapons for which the case under section 307 of the Indian Penal Code was instituted and as a counter blast to the said case, a false case has been foisted against the petitioner. It is further submitted that the offences are triable by Magistrate and the allegations are omnibus in nature and therefore, the bail application of the petitioners may be favourably considered.

Learned counsel for the State opposed the prayer for bail.

Perused the first information report annexed to the anticipatory bail application.

Considering the submissions of learned counsel for the respective parties, the nature of accusation against the petitioners case and the fact that the

offences are triable by Magistrate and after going through the documents annexed to the interim bail application, 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 conditions shall entail cancellation of bail.

The ABLAPL is accordingly disposed of.

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.

(S.K. Sahoo)
Judge

