

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16049 of 2021

1. Subhasish Chinmaya Petitioners
2. Partasarathi Chinmaya
3. Karunakar Malik
4. Susama Mallik
5. Ganesh Prasad Malik

Mr. B.K. Behera-1, Advocate

-versus-

State of Odisha Opp. Party

Mr. D.K. Pani,
Addl. Standing Counsel
Mr. Dharmendra Sethy,
Advocate for the informant

CORAM:

JUSTICE S.K. SAHOO

ORDER

18.01.2022

Order No.

01. This matter is taken up by video conferencing mode.

Mr. Dharmendra Sethy, learned counsel for the informant submitted that he will file vakalatnama during course of the day.

If such vakalatnama is filed, the Registry shall place the same on record.

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

This is an application under section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection

with G.R. Case No.3049 of 2021 arising out of Sabrang P.S. Case No.274 of 2021 pending in the Court of learned S.D.J.M., Bhadrak for alleged commission of offences under sections 447/294/323/354/354-B/379/506/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the State as well as learned counsel for the informant submitted that petitioner no.3 Karunakar Malik has got five criminal antecedents and similarly petitioner no.5 Ganesh Prasad Malik has got four criminal antecedents. Learned counsel for the State further submitted that petitioner no.1 Subhasish Chinmaya as well as petitioner no.4 Susama Malik has got one criminal antecedent and petitioner no.2 Partasarathi Chinmaya has no criminal antecedent.

Learned counsel for the petitioners submitted that the case arises out of civil dispute between the parties and the offences are triable by Magistrate and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State and the informant opposed the prayer for bail.

In view of the criminal antecedents of petitioner nos.3 and 5, I am not inclined to grant them anticipatory bail. Accordingly, their prayer for anticipatory bail stands rejected.

So far as petitioner nos.1,2 and 4 are concerned, taking into account the nature of accusation against them and the fact that the offences are triable by Magistrate, I

am inclined to release them on anticipatory bail. Accordingly, this Court directs that in the event of arrest of the petitioner no.1 Subhasish Chinmaya, petitioner no.2 Partasarathi Chinmaya and petitioner no.4 Susama Mallik 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 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 such facts to the Court or to the Investigating Officer.

Violation of any of the above 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

RKM