

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16070 of 2021

Chandan Kumar Das @ Chandrasekhar Das **Petitioner**

Mr. Pranaya Swain, Advocate

-versus-

State of Odisha **Opp. Party**

Mr. Arupananda Das,
Addl. Government Advocate

ABLAPL No.16088 of 2021

Dipak @ Deepak Kumar Das **Petitioner**

Mr. Pranaya Swain, Advocate

-versus-

State of Odisha **Opp. Party**

Mr. Arupananda Das,
Addl. Government Advocate

CORAM:

JUSTICE S.K. SAHOO

ORDER

18.01.2022

Order No.

01. Both the anticipatory bail applications are taken up by video conferencing mode.

Since both the anticipatory bail applications arise out of one case i.e. G.R. Case No.2577 of 2021

pending in the Court of learned S.D.J.M., Jajpur, with the consent of the learned counsel for the respective parties, both the cases are heard analogously and disposed of by this common order.

Heard learned counsel appearing for the petitioners and learned counsel for the State in both the anticipatory bail applications.

Both the applications under section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Bari Ramachandrapur P.S. Case No.279 of 2021 corresponding to G.R. Case No.2577 of 2021 pending in the Court of learned S.D.J.M., Jajpur for alleged commission of offences under sections 147/148/452/294/323/354/324/325/326/307/149 of the Indian Penal Code.

Perused the FIR.

Learned counsel for the petitioners submitted that it is a case and counter case and there is no specific material to attract the ingredients of the offences under sections 325, 326 and 307 of the Indian Penal Code and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State, on the other hand, produced the case diary and submitted that there are four injured persons in the case and two of

them, namely, Mahendra Kumar Das and Narendra Kumar Das have sustained grievous injuries and so far as petitioner Dipak @ Deepak Kumar Das is concerned, he is stated to have assaulted by means of an axe to the said injured Narendra Kumar Das.

In view of the nature of accusation against the petitioner Dipak @ Deepak Kumar Das and the nature of injuries sustained by the injured Narendra Kumar Das, I am not inclined to grant him anticipatory bail. Accordingly, his prayer for anticipatory bail stands rejected.

So far as petitioner Chandan Kumar Das @ Chandrasekhar Das is concerned, in absence of any specific overt act alleged against him and the nature of accusation, I am inclined to release him on anticipatory bail. Accordingly, this Court directs that in the event of arrest of the petitioner Chandan Kumar Das @ Chandrasekhar Das in connection with the aforesaid case, he shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties each for the like amount to the satisfaction of the arresting officer with further conditions that he shall make himself available for interrogation by the I.O. as and when required and he 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.

So far as petitioner Dipak @ Deepak Kumar Das is concerned, it is observed that in the event he surrenders in the Court below and moves for bail before the learned Court below within a period of four weeks from today, the same shall be disposed of as expeditiously as possible by the Courts below in accordance with law. The case records shall be made available to the Court concerned.

Both the anticipatory bail applications are 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