

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 16071 of 2021

1. Tai Behera

2. Sali @ Soli Behera

....

Petitioners

Mr.P.R.Dash, *Advocate*

-versus-

State of Odisha

....

Opp. Party

Mr. A. Das,

Addl. Government Advocate

CORAM:

JUSTICE S.K. SAHOO

ORDER

18.01.2022

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
Dhenkanal Sadar P.S. Case No.618 of 2021 corresponding to
G.R. Case No. 1444 of 2021 pending in the Court of learned
S.D.J.M., Dhenkanal for alleged commission of offences under
sections 341, 294, 307, 506, 34 of the Indian Penal Code

Learned counsel for the petitioners submitted that it is a
case and counter case and at the instance of the husband of
petitioner no.1 namely, Gati Krushna Behera, Dhenkanal Sadar
P.S. Case No.619 of 2021 was instituted against the informant

Hemanta Dehuri and his brother Srimanta Dehuri. Learned counsel further submitted that though in the first information report, allegation has been leveled that the petitioners who are two ladies along with co-accused Sujit Behera assaulted the injured Srimanta Dehuri but in the 161 Cr.P.C. statement, the informant has confined the assault part only against Sujit Behera. He placed the 161 Cr.P.C. statement which is taken on record. It is further submitted that the said co-accused Sujit Behera in the meantime has been released on bail by the learned Sessions Judge, Dhenkanal on 20.12.2021 and since there is no such overt act against the two petitioners so as to attract the ingredients of the offence under section 307 of the Indian Penal Code, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions of learned counsel for the respective parties, nature of accusation against the petitioners and since the informant has not alleged any overt act against the two petitioners in the statement recorded by Investigating Officer and the main allegation seems to be against co-accused Sujit Behera who has already been released on bail, keeping in view the proviso to section 437 (1) of Cr.P.C., 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.

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