

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16121 of 2021

1. Padma Charan Jena **Petitioners**
2. Tapan Jena
3. Suryakanti @ Dali Jena
4. Jambeswar Sahoo
5. Dushasan Sahoo

Mr. D. Panigrahi, Advocate

-versus-

State of Odisha **Opp. Party**

Smt. Susamarani Sahoo,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

19.01.2022

Order No.

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

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

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.646 of 2021 arising out of Brahmagiri P.S. Case No.231 of 2021 pending in the Court of learned Nyayadhikari Gramya Nyayalaya, Brahmagiri for alleged commission of offences under sections 341/323/307/324/354/354-B/379/294/506/34 of the Indian Penal Code.

Perused the complaint petition annexed to the anticipatory bail application, which was subsequently

turned to a first information report after the same was sent under section 156(3) of Cr.P.C. to the Inspector in-charge of Brahmagiri police station.

Learned counsel for the petitioners submitted that the case arises out of a complaint petition and there was civil dispute between the parties and at the time of cutting of paddy, the incident in question took place and the main allegation is against co-accused Sarbeswar Jena and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State opposed the prayer for anticipatory bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners, the background of the case, existence of the civil dispute between the parties, 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 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

