

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 16191 of 2021

- 1. Susama Sahoo**
- 2. Dhaneswar Sahoo**
- 3. Khirod Kumar Sahoo**

.... ***Petitioners***

Mr.S.K. Dash, *Advocate*

-versus-

State of Odisha

.... ***Opp. Party***

*Mr.A. Das,
Addl. Government Advocate
Mr. Manas Ranjan Behera
(for informant)*

CORAM:

JUSTICE S.K. SAHOO

ORDER

19.01.2022

**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 Bhuban P.S. Case No. 507 of 2021 corresponding to C.T. (Special) Case No. 67 of 2021 pending in the Court of learned Addl. Sessions Judge – cum- Special Judge, Kamakhyanagar for alleged commission of offences under sections 341/294/323/

379/506/34 of the Indian Penal Code read with sections 3(1)(r)/3(1)(s) and 3(2)(va) of the SC & ST (POA) Act.

Learned counsel for the petitioners submitted that there was previous civil dispute between the parties and the case has been foisted on account of such dispute and in the present case, the occurrence in question is stated to have taken place on 07.10.2021 and the F.I.R. was lodged 06.12.2021. It is further contended by the learned counsel for the petitioners that the ingredients of the offences under section 3 of the S.C. and S.T. (POA) Act are not made out and therefore, section 18 of the said Act is not a bar in entertaining this application under section 438 of Cr.P.C. It is further argued that prior to the institution of the case from the side of the petitioners, two first information reports vide Annexure-2 and 3 have been lodged and for such reporting of the cases, the present case has been instituted and therefore, the anticipatory bail application of the petitioners may be favourably considered.

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

Learned counsel for the informant also opposed the prayer for anticipatory bail.

Considering the submissions of learned counsel for the respective parties, absence of any clinching

material relating to the offences under section 3 of the SC/ST (POA) Act and taking into account the background of the case and existence of 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 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.

