

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16207 of 2021

1. Kushaleswar Mendili **Petitioners**
2. Abhishek @ Sujit
Mendili
3. Sidheswar Kampa

Mr. S.K. Mishra, Advocate

-versus-

State of Odisha **Opp. Party**

Mr. Arupananda Das,
Addl. Government Advocate

CORAM:

JUSTICE S.K. SAHOO

ORDER

20.01.2022

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 C.T. Case No.259 of 2021 arising out of Manamunda P.S. Case No.147 of 2021 pending in the Court of learned J.M.F.C., Kantamal for alleged commission of offences under sections 451/294/427/323/324/506/307/34 of the Indian Penal Code.

Perused the F.I.R.

Considering the submission made by the

learned counsel for the petitioners that it is a case and counter case and the main allegation of assault is against petitioner no.2 Abhishek @ Sujit Mendili and after hearing the learned counsel for the State and on going through the first information report annexed to the anticipatory bail application, I am not inclined to grant anticipatory bail to petitioner no.2 Abhishek @ Sujit Mendili. Accordingly, his prayer for anticipatory bail stands rejected.

So far as petitioner no.1 Kushaleswar Mendili and petitioner no.3 Sidheswar Kampa are concerned, considering the materials available on record against the petitioner nos.1 and 3, who are the two injured persons in the counter case, I am inclined to release them on anticipatory bail. Accordingly, this Court directs that in the event of arrest of petitioner no.1 Kushaleswar Mendili and petitioner no.3 Sidheswar Kampa 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.

So far as petitioner no.2 Abhishek @ Sujit Mendili 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.

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