

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 16297 of 2021

Mohammad Shahanwhaj Petitioner
@ Md. Shahawaj

Mr. J. Khansama, Advocate

-versus-

State of Odisha Opp. Party

Ms. Susamarani Sahoo,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

20.01.2022

Order No.

01.

This matter is taken up through Video Conferencing Mode

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

This is an application under section 438 of Cr.P.C. in connection with Biramitrapur P.S. Case No.91 of 2021 corresponding to G.R. Case No.704 of 2021 pending in the file of learned S.D.J.M., Panposh, Rourkela for alleged commission of offence under section 379 of the Indian Penal Code.

Perused the F.I.R. annexed to the anticipatory bail application.

Learned counsel for the petitioner submitted that the F.I.R. was lodged against unknown persons and during course of investigation, five persons were taken into custody and they have already been released on bail and basing on the confessional statement of the said co-accused before police, the petitioner has been arrayed as an accused in the case and the offence is triable by the Magistrate and therefore, the anticipatory bail application 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 petitioner, since the petitioner's implication in the case is based on the confessional statement of the co-accused before police and the fact that the offence is triable by Magistrate, on hearing the learned counsel for the State , I am inclined to release the petitioner on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner 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 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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