

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16391 of 2021

Siba Prasad Swain & another* *Petitioners

-versus-

State of Odisha* *Opposite Party

**CORAM:
THE JUSTICE S.PUJAHARI**

**ORDER
21.01.2022**

**Order
No.**

01. 1. This matter is taken up through virtual mode.
2. The Petitioners apprehending their arrest in Balichandrapur P.S. Case No.370 of 2021 registered for alleged commission of offence punishable under Sections 341/323/294/379/354/506/34 IPC have filed this petition for their release on pre-arrest bail.
3. Heard the learned counsel for the Petitioners and the learned counsel for the State.
4. Learned counsel for the State submits that the injuries sustained by the injured are simple in nature. Investigation has substantially progressed.
5. Considering the facts and the submissions and the nature of accusation appearing against the petitioners, injury sustained by the injured, circumstances in which the offences stated to have been committed and also it being not disputed that the Petitioners' release on pre-arrest bail shall not be a

hindrance to a free and fair investigation, this Court is of the view that the Petitioners have made out a case for their release on pre-arrest bail, more particularly when they are ready and willing to cooperate with the investigation and they have no chance of absconding and/or tampering with the prosecution evidence, if released on pre-arrest bail.

6. Hence, this Court directs that in the event of arrest of the Petitioners in connection with the aforesaid case, they be released on bail by the Officer effecting arrest on such terms and conditions as deemed just and proper including the conditions that the Petitioners shall not make any contact or terrorize the prosecution witnesses in any manner and they shall not indulge in any criminal activity. Violations of the conditions imposed shall entail cancellation of bail granted pursuant to this order.

7. However, the aforesaid order is subject to the condition that the Petitioners shall cooperate with the investigation and no other graver offence is reported against the Petitioners besides the aforesaid offences.

8. The ABLAPL is, accordingly, disposed of being allowed.

9. As restrictions due to resurgence of COVID-10 situation are continuing, learned counsel for the parties may utilize a printout copy of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by

Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 & 515 dated 7th January, 2022.

(S. Pujahari)
Judge

PKS

