

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 16428 of 2021

**1. Purusottam Bhutia @
Topa
2. Malaya Karna**

.... Petitioners

Mr.S.R. Rout, Advocate

-versus-

State of Odisha

.... Opp. Party

Mr. D.K. Pani
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

31.01.2022

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.1738 of 2021 arising out of Angul Sadar P.S. Case No.789 of 2021 pending in the Court of learned S.D.J.M., Angul for alleged commission of offences under sections 379/411/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the State submitted that the petitioner no.1 has got five criminal antecedents.

In view of available material on record particularly and the criminal antecedents against the petitioner no.1, Purusottam Bhutia @ Topa, while not inclining to grant anticipatory bail to him, it is observed that in the event petitioner no.1 surrenders and moves for bail before the learned Court below within a period of four weeks from today, the same shall be disposed of by the Courts below as expeditiously as possible in accordance with law and if any co-accused has been released on bail in the meantime, the claim of parity shall be taken into account. The case diary be made available before the Court concerned for disposal of the case.

So far as petitioner no.2, Malaya Karna is concerned, considering the nature of accusation available on record against him, the background of the case and the fact that the offences are triable by Magistrate and the petitioner's implication in the case is based on confessional statement of co-accused before police and there is no criminal antecedent against him, I am inclined to release him on anticipatory bail.

Accordingly, this Court directs that in the event of arrest of petitioner no.2, Malaya Karna 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 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.

p

(S.K. Sahoo)
Judge