

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 16454 of 2021

- 1. Radheshyam Barik**
- 2. Abhimanyu Bariki**
- 3. Bulu Behera**

.... **Petitioners**

Miss. Rasmita Das, *Advocate*

-versus-

State of Odisha

.... **Opp. Party**

Mr.A.Das

Addl. Government Advocate

CORAM:

JUSTICE S.K. SAHOO

ORDER

11.02.2022

Order No.

01.

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard Miss. Rasmita Das, 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 Badachana P.S. Case No.459 of 2021 pending in the Court of learned J.M.F.C., Chandikhol for alleged commission of offences under sections 341/323/294/506/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioners submitted that the petitioners were working as Level-V, Asst. Teacher of different Schools of their district as such they are Executive members of All Orissa Level-V, Teachers Association and during the time of passing of OTET Examination, they found that the informant has committed fraud to obtain OTET pass certificate for which they opposed before the Board of Secondary Education, Odisha, Cuttack as a result of which the certificate of the informant was cancelled and for such reason, the F.I.R. containing false accusation has been leveled against the petitioners. Learned counsel for the petitioners further submitted that the offences are triable by Magistrate and the only non-bailable offence is under section 506 of the Indian Penal Code and therefore, the anticipatory bail application may be favourably considered.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners, background of the case and the fact that the offences are triable by Magistrate and the only non-bailable offence is under section 506 of the Indian Penal Code., 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.

Urgent certified copy of this order be granted on proper application.

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(S.K. Sahoo)
Judge