

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16568 of 2021

**1. Sunita Sahoo
2. Sarada Prasad
Mahapatra**

.... Petitioner

Mr.J.K. Panda, Advocate

-versus-

State of Odisha

.... Opp. Party

*Mr.J.P. Patra,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
24.01.2022**

Order No.

01.

This matter is taken up through video conferencing.

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 Itamati P.S. Case No.197 of 2021 corresponding to G.R. Case No.733 of 2021 pending before the learned S.D.J.M., Nayagarh for commission of alleged offences under sections 294, 341, 147, 323, 506, 436/149 of the Indian Penal Code and sections 25 and 27 of the Arms Act read with section 5 of the Explosives Act, 1884.

Learned counsel for the petitioners submitted that petitioner no.1 is the lease holder of a stone quarry and he has placed reliance on the lease agreement, which was

executed between the Tahasildar, Nayagarh and the petitioner No.1, annexed as Annexure-2 to the anticipatory bail application. It is further submitted that the petitioner no.1 initially lodged an F.I.R. against some of the co-villagers for which Itamati P.S. Case no. 110 dated 24.07.2021 was instituted, copy of which is annexed as Annexure-3 to the anticipatory bail application. It is further submitted that as a counterblast to the said F.I.R., a complaint petition was filed by one Ramesh Chandra Das, on 29.07.2021 which was forwarded to Itamati Police Station under section 156(3) Cr.P.C. and accordingly, the present F.I.R. was registered. Learned counsel further submitted that in view of the nature of accusation against the petitioners, the prayer for anticipatory bail may be favourably considered.

Learned counsel for the State, on the other hand, produced the case diary and placed the statement of Ramesh Chandra Das.

Considering the submissions made by the learned counsel for the respective parties, nature of accusation against the petitioner no.2 Sarada Prasad Mahapatra @ Rintu Mahapatra, while not inclining to grant anticipatory bail to him, it is observed that in the event petitioner no.2 surrenders and moves for bail, the learned Courts below shall dispose of the same in accordance with law expeditiously. The case records shall be made available to the Courts concerned for disposal of the bail application.

So far as petitioner no.1 Sunita Sahoo is concerned, considering the nature of accusation against her and in view of the proviso to section 437(1) of Cr.P.C., I am inclined to

release the petitioner no.1 on anticipatory bail and accordingly, this Court directs that in the event of arrest of the petitioner no.1 in connection with the aforesaid case, she 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 she shall make herself available for interrogation by the I.O. as and when required and she 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 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.

(S.K. Sahoo)
Judge