

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16728 of 2021

1. Lobha Montry **Petitioners**
2. Sakuntala Dei

Mr. R. Chhotaray, Advocate

-versus-

State of Odisha **Opp. Party**

Smt. Susamarani Sahoo,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

25.01.2022

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.482 of 2021 arising out of Banki P.S. Case No.365 of 2021 pending in the Court of learned S.D.J.M., Banki for alleged commission of offences under sections 341/323/354/325/307/379/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioners submitted

that it is a case and counter case and due to disturbance between the two brothers on account of partition of paternal properties, the case has been instituted and the main allegation is against one Fagua Mantry, who was arrested and has been released on bail. He further submitted that the nature of injury sustained by the injured persons are simple in nature and since no specific overt act has been alleged against the petitioners, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State has produced the case diary and submitted that there are four injured persons in this case, namely, Basanti Mantri, Kamadev Mantri, Ashis Mantri and Sital Mantri. He further submitted that the injury report of Sital Mantri is not available and the injury reports of three other injured persons indicate that they have sustained simple injuries.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners, existence of civil dispute, release of co-accused on bail, the nature of injury sustained by the injured persons and further taking into account the fact that the petitioners are the ladies, keeping in view the proviso to section 437(1) Cr.P.C., 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 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.

(S.K. Sahoo)
Judge

RKM