

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.16766 of 2021

1. Bhagabat Sethi **Petitioners**
2. Sumati @ Sukanti Sethi
3. Prasanta Sethi @
Prasant Kumar Sethi

Mr. B.K. Nayak, Advocate

-versus-

State of Odisha **Opp. Party**

Smt. Susamarani Sahoo,
Addl. Standing Counsel

CORAM:

JUSTICE S.K. SAHOO

ORDER

27.01.2022

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.3677 of 2020 arising out of Kanas P.S. Case No.226 of 2020 pending in the Court of learned S.D.J.M., Puri for alleged commission of offences under sections 376/417/294/506/323/34 of the Indian Penal Code.

Perused the F.I.R.

Learned counsel for the petitioners submitted that the main allegation is against co-accused Susanta Sethi, who has been charge sheeted under sections 376(2)(n)/417/294/506/34 of the Indian Penal Code and so far as the petitioners are concerned, petitioner no.1 is the father, petitioner no.2 is the mother and petitioner no.3 is the brother of the said co-accused Susanta Sethi and they have been charge sheeted under sections 294/506/34 of the Indian Penal Code and in view of the nature of accusation against them, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State opposed the prayer for bail and placed the 164 Cr.P.C. statement of the victim in which the main allegation has been levelled against co-accused Susanta Sethi.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners and since the petitioners have been charge sheeted under Magistrate triable offences out of which only section 506 of the Indian Penal Code is non-bailable, 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