

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 16897 of 2021

**1. Harihar Sahoo
2. Kailash Sahoo
3. Pradeep Kumar Biswal
4. Bibhuti Bhusan
Pradhan**

.... Petitioners

Mr.S. Khan, Advocate

-versus-

State of Odisha

.... Opp. Party

Mr. J.P. Patra
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 of Cr.P.C. for grant of anticipatory bail to the petitioners in connection with Samal Barrage P.S. Case No.288 of 2021 corresponding to G.R. Case No. 2453 of 2021 pending in the Court of learned S.D.J.M., Talcher for alleged commission of offences under sections

447/427/435/34 of the Indian Penal Code read with section 3 of PDPP Act.

Perused the F.I.R. annexed to the anticipatory bail application.

Learned counsel for the petitioners submitted that petitioner no.1 is the Secretary, petitioner no.3 is the President and petitioners nos. 2 and 4 are the Members of the Village Committee. The informant while constructing the boundary wall over a Government plot encroached the land of co-villagers for which there was protest for which the case has been foisted. It is further submitted that the offences are triable by Magistrate and therefore, the anticipatory bail application of the petitioners may be favourably considered.

Learned counsel for the State opposed the prayer for bail.

Considering the submissions of learned counsel for the respective parties, the nature of accusation against the petitioners, the background of the case and the fact that the offences are triable by Magistrate, 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.

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

