

IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE,
BHANJANAGAR, DIST.GANJAM

Bail Application No.319 of 2026

1.Sankar Swain, aged about 24 years,
S/o.Chandra Swain,
2.Chandra Swain, aged about 55 years,
S/o.Late Banchha Swain,
Both are of Vill.Ghodapada, PS.Buguda,
Dist.Ganjam.

.....**Petitioners.**

Vrs.

State of Odisha

..... **Opp. Party.**

12.08.2026

This is an application for bail U/s.483 of B.N.S.S.. The petitioners are in custody being implicated in GR.334/2026, corresponding to Buguda PS case no.355 dtd.19.07.2026, now pending in the Court of JMFC, Buguda for alleged commission of offences U/ss.296/115(2)/109(1)/351(2)/3(5) of BNS.

At the foot of the bail application, a certificate has been furnished that no similar petition is pending in any other court having jurisdiction. As such, the bail application is taken up for consideration. Heard on the prayer for bail.

Prosecution allegation is that on 19.07.2026 at 11.55 PM the informant Rabindra Jena presented a written report at Buguda PS to the effect that on 18.07.2026 at about 10 PM the youths of his village were holding a feast. The informant had been to the said feast and while he was returning from such feast, on the way the petitioner no.1 along with Satyaban Bhola, Balaram Swain and 10 to 12 others came to him, the petitioner no.1 and Satyaban Bhola along with Balaram Swain abused the informant in obscene language. When the informant protested, the above three persons assaulted him by means

of fist blows as a result he sustained bleeding injury on his nose and eyelid. Balaram swain and others assaulted the informant by means of thenga as a result he sustained injuries on his leg, hand, head and back. Hearing the shout of the informant, the villagers arrived there and the accused persons fled away from the spot threatening the informant with dire consequences.

Basing upon such report of the informant, Buguda PS case no.355 dtd.19.07.2026 for offences U/ss.296/115(2)/109(1)/351(2)/3(5) of BNS was registered and the matter was investigated into. During investigation, the informant was medically examined. Both the petitioners were arrested and forwarded to court on 19.07.2026.

The prayer for bail of the petitioners was moved before the learned JMFC, Buguda and after hearing, the same has been rejected by her, vide order dated 19.07.2026. Being aggrieved by such order, the petitioners have preferred this bail application.

Learned counsel for the petitioners submits that the allegations made against the present petitioners are false. It is further submitted that a counter case has been registered against the informant and one Santosh Sethi vide Buguda PS case no.354/2026 on the written report of the present petitioner no.2 and in order to escape from such counter case, the informant has falsely foisted this case. It is further submitted that the petitioners are permanent residents of village Ghodapada under Buguda PS in the district of Ganjam and they are in custody since 19.07.2026. Investigation of the case has substantially progressed. Hence, prayed for release of the petitioners on bail.

On the contrary, learned Addl.PP has orally opposed the prayer for bail of the petitioners on the ground of nature and gravity of the offence. It is further submitted that investigation of the case is under progress. There is possibility of influencing the prosecution witnesses, if the petitioners are released on bail. Hence prayed for rejection of the bail application.

Perused the case record. The petitioners are involved in offences U/ss.296/115(2)/109(1)/351(2)/3(5) of BNS. Perused the injury report of the informant Rabindra Jena. He has sustained one swelling and one abrasion on his person which are reported to be simple simple in nature. A counter case has been registered against the informant and one Santosh Sethi vide Buguda PS case no.354/2026 on the written report of the present petitioner no.2. The petitioners are permanent residents of village Ghodapada under Buguda PS within the territorial jurisdiction of the trial court. They are in custody since 19.07.2026. In the meantime, they must have felt the rigour of law. Investigation of this case has substantially progressed. It will take some time to complete investigation as well as trial.

Regard being had to the facts and circumstances of the case, the period of the pre-trial detention of the petitioners in custody and substantial progress in investigation, I am inclined to allow the prayer for bail of the petitioners.

Let the petitioners **Sankar Swain** and **Chandra Swain** be released on each furnishing bail bonds of Rs.25,000/- (Rupees twenty-five thousand only) with two solvent sureties each for the like amount to the satisfaction of the learned JMFC, Buguda with conditions that:-

- (i) The petitioners shall not indulge themselves in any criminal activity while on bail,
- (ii) They shall not threaten or terrorize the informant or any other prosecution witness in any manner while on bail and
- (iii) They shall appear before the IIC, Buguda PS once a week preferably on Sunday till completion of investigation and shall cooperate in investigation.

Violation of any condition shall entail cancellation of bail.

Send copy of this order along with LCR to the learned JMFC, Buguda for information & necessary action.

Sd/-

**Additional Sessions Judge,
Bhanjanagar.**

Computerized to my dictation
and corrected by me.

Sd/-

**Additional Sessions Judge,
Bhanjanagar.**