



IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.1656 of 2026

Sushanta Kumar Khamari @ Babulu Khamari **Petitioner**

Mr. A. Tripathy, Advocate

-Versus-

State of Odisha **Opposite Party**
Mr. S.K. Lenka, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
23.03.2026

Order
No.

01.

1. Heard learned counsel for the petitioner and State.
2. Instant petition has been filed under Section 482 BNSS by the petitioner seeking pre-arrest bail in connection with Gaisilat P.S. Case No.147 of 2021 corresponding to Special G.R. Case No.65 of 2021 pending in the court of learned Additional Sessions Judge, Padampur on the grounds stated.
3. Perused the FIR as at Annexure-2 series and also the chargesheet besides the depositions of the witnesses including the informant at Annexure-3 series. The petitioner has been arrayed as an accused by an order under Section 319(1) Cr.P.C. by order dated 6th September, 2025, a copy of which is at Annexure-1. Mr. Tripathy, learned counsel for the petitioner submits that other accused persons, who faced trial have been



acquitted of the alleged charges framed by judgment dated 10th December, 2025 in Special G.R. Case No.65 of 2021. Referring to the informant's deposition at Annexure-3 series, it is submitted that the allegation against the petitioner is similar to the co-accused persons tried and acquitted by the Sessions Court. The submission is that the victim's version was found not trustworthy and therefore, the co-accused persons were acquitted even for a charge under Section 376-D IPC and since the petitioner was subsequently added vide Annexure-1, he should be allowed to go bail to face the trial.

4. Recorded the objection of the State.

5. A copy of the application under Section 319(1) Cr.P.C. is at Annexure-4 which was moved by the prosecution and it was followed by the order dated 6th September, 2025 at Annexure-1. It is informed to the Court that the case as against the petitioner has been split up before the judgment in Special G.R. Case No.65 of 2021. The release of the petitioner is opposed by the State considering the gravity of the offence alleged but the Court finds that the petitioner has been arrayed as an accused with the same allegation as against others, who have been acquitted in the meantime as earlier discussed. Considering the above facts and submissions of learned counsel for the respective parties, without expressing anything on merits of the case as the petitioner is to face the trial independent of any such acquittal order at Annexure-5, this Court is of the view that he should however be directed to surrender before the learned court below for being released



with suitable conditions even though not inclined to consider his plea for pre-arrest bail.

6. Accordingly, it is ordered.

7. In the result, the ABLAPL is disposed of with the direction as aforesaid. It is further directed that in the event, the petitioner surrenders before the court of learned Additional Sessions Judge, Padampur in connection with Gaisilat P.S. Case No.147 of 2021 corresponding to Special G.R. Case No.65 of 2021 within a fortnight from today, he shall be released on bail upon furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with one solvent surety for the like amount with any other conditions imposed.

8. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge

TUDU