



IN THE HIGH COURT OF ORISSA AT CUTTACK

**BLAPL No.1657 of 2026**

***Gunabanta Bag***

.....

***Petitioner***

*Mr. Sushanta Kumar Joshi,  
Advocate*

*-Versus-*

***State of Odisha &  
Anr.***

....

***Opposite Parties***

*Ms. Gayatri Patra, ASC*

**CORAM:**

**DR. JUSTICE SANJEEB K PANIGRAHI**

**ORDER**

**06.05.2026**

**Order No.**

01.

| F.I.R<br>No. | Dated      | Police<br>Station | Case No. and<br>Courts' Name                                                                                                | Sections                                                                                     |
|--------------|------------|-------------------|-----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| 378          | 17.12.2025 | Komna             | S.A. Case No.01 of<br>2026 pending in the<br>Court of learned<br>Additional Sessions<br>Judge-cum-Special<br>Judge, Nuapada | U/S.<br>137(2)/49/3(5)<br>of the BNS,<br>2023 read<br>with Section<br>17 of the<br>POCSO Act |

1. This matter is taken up through hybrid arrangement.
2. The petitioner being in custody in connection with Komna P.S. Case No.378 of 2025, corresponding to S.A Case No.01 of 2026, pending in the Court of learned Additional Sessions Judge-cum-Special Judge, Nuapada registered for the alleged commission of offence under Section 137(2)/49/3(5) of the BNS, 2023 read with

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Section 17 of the POCSO Act, has filed this petition for his release on bail.

3. The brief fact of the case is that on 17.12.2025 at 10:00 PM one Rama Ada lodged one written report before the IIC of Komna P.S with the allegation that on 17.12.2025 at about 11:30 AM one Kartika Rout of village Jethupalli came to his house in an Ertiga four wheeler and called his sister (victim) aged about 14 years and took her away in the vehicle. When his villager's one Gunabanta Ada (co-villager) and his father one Chandramani Ada (co-villager) tried to stop the vehicle. At that time, Kartika Rout attempted to cause an accident and fled away at high speed. The I.I.C, Komna Police Station on receipt of the FIR registered it as Komna P.S. Case No. 378 of 2025 dated 17.12.2025. Hence, this case.

4. Learned counsel for the Petitioner submits that this Petitioner being arrested in the case is in custody since 05.01.2026. The present petitioner is the owner of the vehicle used in commission of the alleged offence for which no liability can be saddled on the ground of aiding and abetting in commission of the offences. In the meantime, investigation of the case is substantially progressed. In view of all these above, when the Petitioner is a permanent resident of District Nuapada as also the question of tampering with the





evidence does not arise, he urges for consideration of prayer for grant of bail to the Petitioner

5. Petitioner has been falsely implicated in the present case due to previous family dispute. There is no direct or cogent evidence to connect the petitioner with the alleged occurrence. He has no criminal antecedent to his credit. In view of all these above, when the Petitioner is a permanent resident of District Bhadrak as also the question of tampering with the evidence does not arise, he urges for consideration of prayer for grant of bail to the Petitioner

6. Learned counsel for the State vehemently opposes the prayer for bail.

7. Considering the facts and keeping in view the submission of learned counsel for the Petitioner; further keeping in view the materials on record as those stand against the Petitioner with other surrounding circumstances, this Court is of the view that there is no requirement of keeping the Petitioner inside the custody any further. Accordingly, this Court directs that the Petitioner be released on bail by the Court *in seisin* over the matter on some stringent terms and conditions with further conditions that:



- i. the petitioner shall appear before the local Police Station on 1<sup>st</sup> Monday of every month between 10 A.M. to 1.00 P.M. till the conclusion of the trial;
- ii. the Petitioner shall not indulge himself in any criminal activities in future;
- iii. the Petitioner shall not tamper the evidence of the prosecution evidence in any manner;

Violation of any of the above conditions shall entail cancellation of the bail.

8. The BLAPL is, accordingly, disposed of.

*(Dr. Sanjeeb K Panigrahi)*  
*Judge*

*Gitanjali*

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