



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL No. 3133 of 2025**

**Abhay Kumar Nayak and Others** .... **Petitioners**

Mr. R.N. Panda, Advocate

-Versus-

**State of Orissa** .... **Opposite Party**

Mr. S. K. Brahma, ASC

Mr. A. Bhuyan, Advocate (Informant)

**CORAM:**

**MR. JUSTICE R.K. PATTANAİK**

**Order**

**No.**

03.

**ORDER**  
**08.04.2026**

1. Heard learned counsel for the respective parties.
2. Instant petition under Section 482 BNSS is filed seeking pre-arrest bail of the petitioners in connection with G.R. Case No.63 of 2025 pending in the file of learned J.M.F.C., Baramba arising out of Baramba P.S. Case No.39 of 2025 on the grounds stated.
3. Perused the FIR as at Annexure-1. It is submitted by Mr. Panda, learned counsel for the petitioners that the petitioners are ready to pay back of Rs.2 lac at present even during the pendency of the suit in C.S. No.17 of 2025 instituted at the behest of the informant. It is claimed that an amount of Rs.3 lac was paid while obtaining no objection of the informant before receipt of the compensation amount. The allegation of the informant is that the entire amount has been appropriated by the petitioners, when she is entitled to 50% share therein.



Considering the nature of the dispute, the matter was referred for mediation but it has been unsuccessful since revealed from the report dated 3<sup>rd</sup> May, 2025 available in the Court's record. A copy of the plaint in the suit filed by the informant pending in the Court of learned Civil Judge, Senior Division, Baramba is produced by Mr. Panda, learned counsel for the petitioners. The submission is that 50% share in compensation has been demanded therein with such other relief sought for. Recorded the submission of learned counsel for the informant that till date, no payment has been made to the informant from the side of the petitioners while misappropriating entire of the compensation money. Recorded the response of the State. It is informed to the Court that the case diary has not been received in spite of the order dated 25<sup>th</sup> March, 2025.

4. Considering the above and dispute between the parties pending before the Civil Court concerning the share in compensation demanded by the informant, this Court recording the submission of Mr. Panda, learned counsel for the petitioners that at present, the petitioners are ready and willing to pay an amount of Rs.2 lac to the informant, this Court is of the view that since the petitioners belong to one family and petitioner No.1 is the brother of the informant, they should be directed to be released on bail subject to condition imposed besides payment of Rs.2 lac to the informant with an undertaking furnished by petitioner No.1 to return the balance in



installments notwithstanding the pendency of the suit in C.S. No.17 of 2025.

5. Accordingly, it is ordered.

6. In the result, the ABLAPL is disposed of with the direction as aforesaid. In the event, the petitioners surrender before the court of learned J.M.F.C., Baramba within fortnight from today, it is directed that they shall be released on bail in connection with G.R. Case No.63 of 2025 corresponding to Baramba P.S. Case No.39 of 2025 on furnishing a bail bond of Rs.30,000/-(rupees thirty thousand) each with one solvent surety for the like amount each with such other conditions imposed as deemed just and proper and in the facts and circumstances of the case besides the following, such as, petitioner No.1 shall submit an undertaking to pay back the balance with a refund of Rs.2 lac at present in the shape of a Demand Draft payable to the informant at the time of release.

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

**(R.K. Pattanaik)**  
**Judge**