



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.3109 of 2026

Bhabagrahi @ Bhusan Chhuria ***Petitioner***
Mr. Jagabandhu Sahu, Adv.
-Versus-

State of Odisha & Anr. ***Opposite Parties***
Ms. Gayatri Patra, ASC

CORAM:
DR. JUSTICE SANJEEB K PANIGRAHI

ORDER
04.05.2026

Order No.
01.

F.I.R No.	Dated	Police Station	Case No. and Courts' Name	Sections
29	05.02.2026	Bheden	C.T Case No.7 of 2026 pending in the Court of learned A.D.J.-cum-Special Court under POCSO Act, Bargarh	U/S. 137(2)/64(2)(m) of BNS (corresponding to Sections 363/376(2)(n) of the I.P.C.) and Section 6 of the POCSO Act

1. This matter is taken up through hybrid arrangement.
2. The petitioner being in custody in connection with Bheden P.S. Case No.29 of 2026, corresponding to C.T Case No.7 of 2026 pending in the Court of learned A.D.J.-cum-Special Court under



POCSO Act, Bargarh, registered for the alleged commission of offence under Section 137(2)/64(2)(m) of BNS (corresponding to Sections 363/376(2)(n) of the I.P.C.) and Section 6 of the POCSO Act, has filed this petition for his release on bail.

3. The brief fact of the case is that on 05.02.2026 at 4.00 p.m., the complainant presented a written report alleging therein that on the night of 04.01.2026 they had dinner and went to sleep. On the morning of 05.01.26 at 05.00 AM, he woke up and found that his daughter was not at home. Thereafter they searched for her everywhere but could not find her. The description of the missing girl is as follows: - she was wearing a grey colour gown shirt and blue colour pant. Her height is about 4 feet, she has a thick body build and fair complexion. At the time of leaving the house she had taken her Aadhar card and bank passbook with her. Hence the informant reported the matter for taking necessary step to search his daughter.

4. On the basis of aforesaid report, the I.I.C., Bheden Police Station registered Bheden P.S. Case No. 29 dated 05.02.2026 for alleged offence punishable under Section 137(2) of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Section 363 of the I.P.O.) against unknown person and took of investigation of the case.



5. Learned counsel for the Petitioner submits that the Petitioner has been languishing in custody since 05.02.2026. The statement of the victim reveals that there was love relation between her and the Petitioner. The petitioner has not committed any such overact which would constitute the alleged offences as they both stayed as husband and wife. Due to some misunderstanding, her father lodged F.I.R. Therefore, there is no prima face case for any of the alleged offences against the petitioner. In view of all these above, when the Petitioner is a permanent resident of District Bargarh as also the question of tampering with the evidence does not arise, as the investigation is over, he urges for consideration of prayer for grant of bail to the Petitioner.

6. Learned counsel for the State vehemently opposes the bail prayer of the Petitioner on the ground that the documents on record clearly reveal that the victim is a child below sixteen years of age at the time of the incident and there is specific allegation against the present petitioner that he kept physical relationship with the victim on number of occasions and made her pregnant.

7. Considering the submissions made and on going through the materials as placed, further keeping in view the role said to have been played by this Petitioner, this Court is not inclined to release the petitioner on bail.



8. Accordingly, the BLAPL is dismissed.
9. Issue urgent certified copy of the order pas per Rules.

(Dr. Sanjeeb K Panigrahi)
Judge

Gitanjali