



IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3990 of 2026

***Subash Chandra Das @
Subash Das***

.....

Petitioner

Represented by Adv. -
Susanta Kumar Baral

-versus-

state of odisha

.....

Opposite Parties

Represented by Adv. –
U.C. Jena, A.S.C.

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

30.04.2026

Order No.

01. 1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel for the State-Opposite Party. Perused the records.
3. The present application has been filed under Section 482 of B.N.S.S. for releasing the Petitioner on anticipatory bail for alleged commission of offences under Sections 115(2), 296, 3(5), 126(2), 351(2) of B.N.S read with Section 3(1)(r), 3(1)(s), 3(2)(va) of SC and ST (PoA) Act. However, in view of the bar contained under Sections 18 as well as 18-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the present application u/s 482 of B.N.S.S. is not maintainable. The provisions of section



482 of B.N.S.S. is not applicable to the case registered involving an offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. Further, this Court has also elaborately discussed the issue in the case of ***Pramod Kumar Ray and others-vrs.-State of Odisha***, reported in ***(2017) 67 OCR 309***. In the light of the principle laid down by this Court in ***Pramod Kumar Ray*** (supra), the present bail application is being disposed of with the following observations.

5. The Petitioner shall surrender before the learned P.O., Special Court under the SC & ST (POA) Act, Cuttack, in C.T Case No.45 of 2026, arising out of Sadar P.S Case No.112 of 2026 on or before 30.05.2026. Seven days before the Petitioner surrenders before the said Court, his counsel shall serve a copy of the bail application or such number of copies of the bail application on the learned Public Prosecutor/Special Public Prosecutor, as required by him, for the purpose of notice to the victim or his/her counsel or dependent.

6. Further, it is directed that on advance intimation the case diary and other relevant materials be made available to the Court in seisin over the matter by the date of surrender. The learned Court in seisin over the matter is further directed to consider the case of the Petitioner in accordance with law and shall dispose of the bail application on the very same day.

7. Till the date of surrender of the Petitioner as stipulated in this order, the Petitioner shall not be arrested in connection with the aforesaid case.



8. The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per Rules.

(Aditya Kumar Mohapatra)
Judge

Anil