



IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.4670 of 2026

Rajesh Harijan

....

Petitioner(s)

Mr. Amit Prasad Bose, Adv.

-versus-

State of Odisha

....

Opposite Party(s)

Mr. Tej Kumar, ASC

CORAM:

HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI

Order No.

ORDER

04.05.2026

01.

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. The petitioner in this case having been implicated in Jeypore Mahila P.S. Case No.176 of 2024, corresponding to G.R. Case No.1143 of 2024 pending in the court of the learned S.D.J.M., Jeypore for alleged commission of offences punishable under Sections 75(i)(ii)(iv)/ 76/ 296/ 351(2) of the BNS, 2023, has filed this petition for his release on pre-arrest bail.
4. Learned counsel for the State submits that a notice under Section 35(3) of the BNSS has been issued to the Petitioner by the police. Hence, there is no contemplation to arrest the Petitioner in the aforesaid case.



5. It appears that notice under Section 35(3) of the BNSS has been issued and, therefore, apprehension of arrest of the Petitioner in connection with the aforesaid case is misconceived.
6. Learned counsel for the petitioner submits that in spite of the aforesaid, the Petitioner is likely to be arrested inasmuch as his non-appearance within the time may be a ground of his arrest and even if he appears pursuant to the notice, he may be arrested on the ground that he has not complied with the direction and also in colourable exercise of jurisdiction disclosing existence of circumstances of his arrest.
7. Be that as it may, considering the submission of the learned counsel for the State that notice under Section 35(3) of the BNSS in this case has been issued and as such, the police does not contemplate to arrest him pursuant to such notice, the Petitioner apprehends his arrest, this Court disposes of this petition with an observation that if the Petitioner complies with the direction given under Section 35(3) of the BNSS., the police shall not arrest him in colourable exercise of jurisdiction disclosing existence of reason to arrest the person noticed under Section 35(3) of the BNSS..
8. The ABLAPL is, accordingly, disposed of.
9. Urgent certified copy of the order be granted on proper application.

(Dr. Sanjeeb K Panigrahi)
Judge

B. Jhankar