



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1374 of 2026

Bhabatosh Mishra

.....

Petitioner(s)

Mr. Tuna Sahu,

Advocate

-Versus-

State of Odisha & Anr.

.....

Opposite Party (s)

Ms. Gayatri Patra, ASC

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

04.05.2026

Order No.

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 has filed this CRLMC assailing the order dated 03.02.2025 passed by the learned 2nd Additional Sessions Judge, Cuttack in connection with Criminal Misc. Case No.48 of 2024, issuing N.B.W(A) against him.
4. Learned counsel for the Petitioner submits that the petitioner was earlier on bail vide order dated 09.09.2022 by the court below. After released on bail, the informant has filed an application vide Misc. case No. 48 of 2024 arising out of disposed of BLAPL No. 976 of 2022.

The said Misc. case was disposed of in the impugned order dated

Signature Not Verified

Digitally Signed
Signed by: GITANJALI NAYAK
Reason: Authentication
Location: OHC
Date: 04-May-2026 17:57:31





03.02.2025. The 2nd Addl. Sessions Judge, Cuttack cancelled the bail of the petitioner and allowed the criminal Misc. Case No. 48 of 2024 filed by the informant under Section 439(2) of Cr. P.C. He further submits that the Petitioner undertakes that he will cooperate till the end of the trial and appear before the court on each date of posting without fail, failing which, fresh N.B.W (A) shall be issued against him.

5. Learned counsel for the State strongly object the release of the Petitioner on bail.

6. In view of such facts and submissions made by the learned counsel for the Petitioner, this Court is inclined to allow the CRLMC. Accordingly, the order dated 03.02.2025 passed by the learned 2nd Additional Sessions Judge, Cuttack in the aforesaid case, so far it relates to issuance of N.B.W(A) against the petitioner, is hereby quashed.

7. The Petitioner is directed to surrender before the court in *seisin* over the matter in the aforesaid case and move for bail within a period of fifteen days hence. On such event, the said court shall release him on bail with some stringent conditions so as to enable him to appear before the court on each date of posting of the case. In addition, the Petitioner shall deposit a sum of Rs.2000/- (Rupees Two

Signature Not Verified

Digitally Signed
Signed by: GITANJALI NAYAK
Reason: Authentication
Location: OHC
Date: 04-May-2026 17:57:31





amount shall be deposited with the Criminal Court's Bar Association Welfare Fund, Cuttack for the purpose of utilizing the said amount for purchasing books for the Bar library. The copy of the receipt of the said deposit shall be presented before the court in *seisin* over the matter.

8. Accordingly, the CRLMC is disposed of.

(*Dr. Sanjeeb K Panigrahi*)
Judge

Gitanjali

Signature Not Verified

Digitally Signed
Signed by: GITANJALI NAYAK
Reason: Authentication
Location: OHC
Date: 04-May-2026 17:57:31

