



IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.5301 of 2026

Braja Sundar Gouda & another Petitioners

Mr. S.K. Pradhan, Advocate

-Versus-

State of Odisha Opposite Party

Ms. S. Mohanty, ASC

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

20.05.2026

Order No.

01.

1. Heard learned counsel for the respective parties.
2. Instant petition has been filed under Section 482 BNSS by the petitioners seeking pre-arrest bail in connection with Jarada P. S. Case No. 118 of 2026 corresponding to G.R. Case No.174 of 2026 pending in the court of learned J.M.F.C., Berhampur on the grounds stated.
3. Perused the FIR as at Annexure-1. It is submitted that the offences are bailable in nature but one of the accused persons has been forwarded under Section 109 BNS, hence, the petitioner apprehends arrest in the hands of the local police, so the plea for bail. Referring to the F.I.R. and also statement of the informant recorded under Section 180 BNSS as at Annexure-2, it is submitted that no external injury has been received by him. Mrs. Mohanty, learned ASC for the State informs the Court that the petitioners do have antecedents. In response to the above, it is pleaded on record that petitioner



No.1 is having three antecedents and in one case, he stands acquitted like petitioner No.2. In view of the claim of petitioner No.1, apart from the case in which he has been acquitted other two in G.R. Case No. 371 of 2020 and G.R. Case No. 27 of 2021 are pending for trial. It is pleaded that in one case i.e. G.R. Case No. 27 of 2021, the said petitioner is levelled with charges under Sections 341, 307 & 506 IPC. Since the submission is that there is no injury caused which is also revealed from the F.I.R. and also the statement of the F.I.R., this Court, in view of the arrest and remand of co-accused under Section 109(1) BNS and the apprehension expressed by the petitioners, is inclined to direct both to surrender before the learned court below for being released with stringent conditions though not in favour of entertaining their bail plea.

4. Accordingly, it is ordered.

5. In the result, the ABLAPL petition stands disposed of with a direction to the petitioners to surrender before learned J.M.F.C., Berhampur within three weeks from today and in the event, they surrender in compliance thereof, shall be released on bail in connection with G.R. Case No.174 of 2026 on furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) each with one solvent surety for the like amount each to the satisfaction of the court below, which shall be at liberty to impose such other suitable conditions as deemed just and proper in the facts and circumstances of the case. The above order shall not be given effect to if it is revealed with an enquiry held by the learned court below that the petitioners



having such other antecedents except the ones stated hereinabove.

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

(R.K. Pattanaik)
Judge

kabita