



IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.6356 of 2026

Kailash Jena and others

.....

Petitioners

Represented by Adv. –

Sangram Keshari Rout

-versus-

State of Odisha

.....

Opposite Parties

Mr. A.K. Apat, AGA

CORAM:

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

ORDER

17.06.2026

Order No.

01. 1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the Petitioners and learned counsel for the State. Perused the anticipatory bail application as well as the F.I.R.
3. The present application has been filed under Section 482 of BNSS, 2023 by the Petitioners seeking pre-arrest bail in connection with Nandipada P.S. Case No.135 of 2026, corresponding to G.R. Case No.203 of 2026, pending in the court of learned J.M.F.C., Hatadihi, for alleged commission of offences punishable under Sections 126(2), 296, 118(1), 109(1), 324(2), 351(3), 3(5) of BNS.
4. It is stated by the learned counsel for the Petitioners that there exists a dispute among the villagers, as a result of which, a minor scuffle took place among some of the villagers. He further contended that the injury sustained by the injured has simple in



nature. He further contended that the present Petitioners have been falsely implicated in the present case. Learned counsel for the Petitioners further submitted that although there is specific allegation of assault against the Petitioner No.1, however, the injuries sustained by the injured are simple in nature. He further contended that so far the Petitioner Nos.2 to 5 are concerned, there is no allegation of commission of any overt act. It was also contended that the Petitioners do not have any criminal antecedent and that they belong to locality, therefore, there is no chance of their absconding.

5. At this stage, learned counsel for the Petitioners submitted that the Petitioners do not want to press this bail application and seek liberty to surrender before the court below and move an application for bail.

6. Considering such submissions, the Petitioner Nos.2 to 5 are permitted to surrender before the learned court in seisin over the matter within a period of three weeks from today and move an application for bail. In such eventuality, learned court in seisin over the matter shall release the Petitioner Nos.2 to 5 on bail subject to such terms and conditions as the learned Magistrate may deem just and proper. Violation of any of the terms and conditions shall entail cancellation of the bail.

7. However, taking into consideration the nature and gravity of the allegation, on the request of learned counsel for the Petitioners, the Petitioner No.1 is permitted to surrender before the learned court in seisin over the matter in the aforesaid case in the first hour within 21 working days hence and move for bail. On such event, the



learned Magistrate shall consider his application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the Petitioner No.1 may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the Petitioner No.1 the same day strictly on the basis of the materials on record, by maintaining the principles of parity, if applicable. The case diary be made available on the date of surrender on an application being filed by the Petitioner No.1 prior to his date of surrender along with a copy of today's order. Records be transmitted to the higher forum at the cost of the Petitioner No.1, if applied for.

8. The ABLAPL is disposed of accordingly.

Urgent certified copy of this order be granted as per rules.

(Aditya Kumar Mohapatra)
Vacation Judge

S.K. Rout