



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLA No.634 of 2026
CNR No. ODHC010416492026

Akhaya Gauntia

...

Appellant

Mr. A. Mishra, Advocate

-versus-

State of Odisha and another

...

Respondents

Mr. T.K. Acharya, Addl. PP

CORAM: JUSTICE G. SATAPATHY

ORDER(ORAL):09.09.2026

Order No.

02.

IA No. 1805 of 2026

1. This is an application U/S.5 of the Limitation Act by the appellant for condonation of delay of 135 days in preferring the appeal.
2. Heard, Mr. Ashutosh Mishra, learned counsel for the appellant and Mr. T.K. Acharya, learned Additional Public Prosecutor in the matter and perused the record. None appears for victim despite being duly intimated as apprised by learned Addl. PP.
3. For the reasons stated therein in the IA, the prayer for condonation of delay stands allowed and, accordingly, the delay of 135 days in preferring the appeal is, hereby, condoned. Hence, the IA No.1805 of 2026 stands disposed of.

CRLA No. 634 of 2026

4. This criminal appeal in the nature of bail U/S.14-A of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989 together with amendment Act, 2016 (in short, "the Act") is directed against the impugned order dated 21.10.2025 passed in CT Case No.170 of 2025 by which the learned Addl. Sessions Judge-cum-Special



Judge, Balliguda, Dist-Kandhamal has refused to grant bail to the appellant in connection with Kotagarh PS Case No.146 of 2025 for commission of offence punishable U/Ss. 69/ 296/ 351(3)/ 3(5) of the BNS r/w sections- 3(1)(r)(s)(w-i)/3(2) (va) of the Act, on the main allegation of cohabiting with the victim belonging to "ST" category on the false assurance of marriage by taking advantage of her Caste.

5. Heard, Mr. Ashutosh Mishra, learned counsel for the appellant and Mr. T.K. Acharya, learned Additional Public Prosecutor in the matter and perused the record. None appears for victim despite being duly intimated as apprised by learned Addl. PP.

6. After having considered the rival submissions and taking into consideration the nature and gravity of the offences as alleged against the appellant vis-à-vis the accusation sought to be brought against him and regard being had to the pre trial detention of the appellant in custody since 24.10.2025 with submission of charge sheet in the meantime and taking into account the other circumstances on record in entirety including the statement of the victim and the inherent right of the accused-appellant to be presumed innocent until proven guilty at the trial and lastly, no materials being placed on record to suggest that the appellant would either abscond or pose threat to the witnesses, if released on bail, this Court without expressing any view on merit admits the appellant to bail.

7. Hence, the CRLA stands allowed and the impugned order is, hereby set aside. Consequently, the



appellant is directed to be released on bail on such terms and conditions **except cash surety** as deem fit and proper by the learned Court in seisin over the matter.

8. Issue urgent certified copy of the order as per Rules. A soft copy of this order be immediately communicated to the concerned Court, who shall afterwards communicate the same to the concerned Jail through e-mail for reference.

(G. Satapathy)
Judge

Priyajit

Signature Not Verified

Digitally Signed
Signed by: PRIYAJIT SAHOO
Designation: Sr. Stenographer
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 09-Sep-2026 19:41:38

