



IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No. 9055 of 2025

1. Babaji @ Sanjaya Swain **Petitioners**
2. Jatadhari Swain
3. Dhadeswar Swain
4. Laxmidhar Patra
5. Urmila Bhuyan

Mr. A. Mohanty, Advocate

-versus-

State of Odisha **Opposite Party**

Mr. C.R. Swain, AGA

Mr. A. C. Behera, Advocate
(Informant)

CORAM: JUSTICE V. NARASINGH

ORDER

12.08.2025

Order No.

- 01.** 1. Mr. Arjuna Charana Behera, learned counsel has entered appearance on behalf of the Informant by filing Vakalatnama. The same is taken on record.
2. Registry is requested to reflect the name of Mr. Behera, learned counsel in the cause list, brief as well as web portal of this Court.
3. Heard learned counsel for the Petitioners and learned counsels for the State as well as Informant.
4. The Petitioners are seeking pre-arrest bail in connection with G.R. Case No.69 of 2025 pending on the file of learned Special Judge under SC & ST (PoA) Act, Nimapara, arising out of Balanga P.S. Case



No.165 of 2025 for commission of offences punishable under Section 127(2)/ 296/ 115(2)/ 117(2)/ 324(4)/ 74/ 303(2)/ 351(2)/ 3(5) of BNS, 2023 read with Section 3(1)(r)(s)/3(2)(va) of SC & ST (PoA) Act.

5. It is submitted at the Bar that the Petitioner No.1 has been taken into custody.

6. Hence, the ABLAPL in respect of Petitioner No.1 (Babaji @ Sanjaya Swain) rendered infructuous. The ABLAPL is confined to Petitioner Nos.2 to 5.

7. It is submitted by the learned counsel for the Informant that taking into account the nature of injury and the allegations being under the Special Act, the ABLAPL is not maintainable.

8. It is trite that there is no absolute bar for consideration of an application where the implication is under the SC & ST (PoA) Act. In this context this Court relies on the judgment of the Apex Court in the case of ***Union of India vrs. State of Maharashtra and others, (2020) 3 SCC 761*** and ***Dr. Subhash Kashinath Mahajan vrs. State of Maharashtra and another, (2018) 6 SCC 454***.

9. This Court perused the statement of the injured Krushna Chandra Behera. It is also brought to the notice of this Court that one of the co-accused Jaga @ Jagannath Jena apart from the Petitioner No.1 as noted has also been forwarded.



10. Learned counsel for the State opposes the prayer for pre-arrest bail.

11. Taking into account the nature of allegations, this Court is not inclined to entertain the application for pre-arrest bail. However, in the event the Petitioner No.2 to 4 (Jatadhari Swain, Dhadeswar Swain, Laxmidhar Patra and Urmila Bhuyan respectively) surrender before the learned Court in seisin in the aforesaid case and move an application for their release on bail, the same shall be considered on its own merit.

12. The ABLAPL is accordingly disposed of.

(V. NARASINGH)
Judge

Jina

Signature Not Verified

Digitally Signed
Signed by: JINA DIGAL
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 14-Aug-2025 16:40:52

