



IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8845 of 2024

Dr. Sanjit Mohapatra

.... **Petitioner**
Mr. P.C. Jena, Advocate

-Versus-

State of Odisha & another

.... **Opposite Parties**
Mr. S. Panda, ASC
Mr. P.P.K. Pandit, Advocate
(Informant)

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

19.02.2026

Order No.

07.

1. Heard learned counsel for the respective parties.
2. Instant petition under Section 438 Cr.P.C. is filed for pre-arrest bail of the petitioner in connection with Baliana P.S. Case No.94 of 2024 corresponding to T.R. Case No.103 of 2024 pending in the file of learned District & Sessions Judge-cum-Special Judge under SC/ST (PoA) Act, Bhubaneswar on the grounds stated therein.
3. Perused the FIR as at Annexure-1. A case under Section 304-A IPC with allied offences including the offences under SC/ST (PoA) Act has been registered. It is submitted to the Court by Mr. Jena, learned counsel for the petitioner that the petitioner at best may be said to have committed an offence punishable under Section 304-A IPC and not for the other offences even considering the FIR as at Annexure-1. The further submission is that in the meantime, the chargesheet is



filed with the closure of investigation but in view of the case registered under the SC&ST (PoA) Act, the petitioner apprehends arrest in the hands of the local police. A decision in **Dr. Satyendra Prakash Verma Vrs. State of Odisha and another** in ABLAPL No.50 of 2024 dated 25th January, 2024 of this Court is cited to claim that Section 18 of the SC&ST (PoA) Act does not apply as no case under the alleged offences is made out against the petitioner.

4. Mr. Panda, learned counsel for the State produced the case diary and submits that the petitioner was grossly negligent and as a result, the daughter of the informant died due to septic shock and therefore, a case under Section 304 IPC is prima facie made out.

5. Today, an affidavit is filed by the informant and the same is taken on record. Mr. Pandit, learned counsel for the informant files the above affidavit and also the Vakalatnama and the same is also taken on record. As per the affidavit of the informant, she has no objection in case bail is granted to the petitioner.

6. From the record and also the affidavit of the informant, this Court finds that surgery was conducted on the deceased, who delivered a male child on 27th September, 2025 and thereafter, she was discharged from the Nursing Home. As it is made to understand, the deceased developed complications and ultimately died due to Septicemia. From the case diary, it is made to reveal that the petitioner had operated the deceased and left a gauge cloth/mop inside her belly due to which she died by



septic shock. The other doctor with whom the petitioner was associated claimed to have had no role. It is alleged by Mr. Panda, learned ASC for the State that for the serious negligence of the petitioner, the deceased died. But, a case under Section 304-A has been registered, which is an offence bailable in nature. The case diary does not reveal anywhere that a case under Section 304 IPC to have been made out against the petitioner. Instead, it is informed to the Court by Mr. Jena, learned counsel for the petitioner that chargesheet is filed only for an offence under Section 304-A IPC. Considering the fact that the other offences including the offences under the SC/ST (PoA) Act are not alleged against the petitioner, who was a surgeon and apparently found negligent at the time of surgery conducted on the deceased and as such, offence under Section 304-A IPC is bailable and that in the meantime, the investigation is concluded with the filing of chargesheet, this Court, recording the objection of the State and taking into account the decision in **Dr. Satyendra Prakash Verma** (supra), though, not inclined to grant pre-arrest bail to him but is of the view that he should be directed to surrender before the learned court below for being released on bail with suitable conditions imposed.

7. Accordingly, it is ordered.

8. In the result, ABLAPL stands disposed of with the direction as aforesaid. It is further directed that in the event, the petitioner surrenders before the court of learned District & Sessions Judge-cum-Special Judge under SC/ST (PoA) Act, Bhubaneswar within a fortnight from today, it is directed that



he shall be released on bail in connection with Baliana P.S. Case No.94 of 2024 corresponding to T.R. Case No.103 of 2024 subject to him furnishing a bail bond of Rs.30,000/- (Rupees thirty thousand) with one solvent surety for the like amount to the satisfaction of the learned court below, which shall be at liberty to impose such other suitable conditions as considered proper in the facts and circumstances of the case.

9. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge

Alok