



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLA No.1395 of 2025

Lucky @ Masur Khan @ ... ***Appellants***
Masurur Ahammad Khan &
Others

Mr. S.K. Bhanjadeo, Advocate
-versus-

State of Odisha & another ... ***Respondents***

Mr. M.R. Patra, Addl. PP

CORAM:
JUSTICE G. SATAPATHY
ORDER(ORAL)
24.02.2026

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This criminal appeal Under Section 14-A(2) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989 together with amendment Act, 2016 (in short, "the Act") in nature of bail is directed against the impugned order dated 28.11.2025 passed by the learned 1st Addl. District & Sessions Judge under SC & ST (PoA) Act, Khurda in T.R. Case No.138 of 2025 arising out of Jankia P.S. Case No.440 of 2025 refusing to grant bail to the appellants for commission of offence punishable U/Ss. 137(2)/ 87/ 3(5) of BNS r/w.Sec.3(1)(r)(s)/3(2)(v)(va) of the Act, on the main allegation of kidnapping the victim to compel her to marry him by taking advantage of her caste.
3. Heard, Mr. Sanjib Kumar Bhanjadeo, learned counsel for the appellants and Mr. M.R. Patra, learned Addl. Public Prosecutor in the matter and



perused the record. None appears for the victim despite being duly intimated as apprised by learned Addl. PP.

4. After having considered the rival submissions and taking into consideration the nature and gravity of the offences as alleged against the appellants vis-à-vis the accusations sought to be brought against them and regard being had to the pretrial detention of the appellants in custody since 21.11.2025 with substantial progress in investigation and taking into account the other circumstance on record in entirety including statement of the victim and keeping in view the inherent right of the accused to be presumed innocent until proven guilty at the trial, this Court without expressing any opinion on merits, considers it proper to admit each of the appellants to bail.

5. Hence, the Criminal Appeal stands allowed and the impugned order is hereby set aside. Consequently, the appellants be released on bail on such terms and conditions as deems fit and proper by the learned Court in seisin of the case. 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