IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1881 of 2026

Nilan kumar Muduli and another …. **Petitioners**

Mr. Amaresh Das, Advocate

-Versus-

State of Odisha …. **Opposite Party**

Mr. S. Panda, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
07.04.2026

Order No.

01. 1. Heard learned counsel for the respective parties.

2. Instant petition under Section 482 BNSS is filed for pre-arrest bail of the petitioners in connection with Balikuda P.S. Case No.43 of 2026 corresponding to G.R. Case No.210 of 2026 pending in the file of learned S.D.J.M., Jagatsinghpur on the grounds stated therein.

3. Gone through the FIRs as at Annexures-1 & 2. For the self-same incident dated 31st January, 2026, the counter FIR is lodged and as a result, Balikuda P.S. Case No.45 of 2026 has been registered. It is submitted that the dispute was over plucking of coconuts and hence, the alleged incident took place, but no one received any grievous injury on account of assault exchanged between them. It is claimed that since petitioner No.2 is having no antecedent and petitioner No.1 is on bail after he surrendered before the learned court below, he should be granted bail. Recorded the objection of the State. A copy of the order dated 17th February, 2026 received by a Radio

Message from CSI, Jagatsinghpur to the IIC, Balikuda P.S. is produced to show that petitioner No.1 was directed to be released with conditions. Considering the nature of allegations in the FIR i.e. Annexure-1 and the fact that for the same incident, counter FIR is lodged and since it is claimed that no one received serious injury, this Court is of the view that petitioner No.2, who is stated to have no criminal antecedent, should be directed to surrender before the learned court below for being released on bail even if he is not entitled to pre-arrest bail and in so far as petitioner No.1 is concerned, ABLAPL is to be dismissed as against him for being infructuous.

4. Accordingly, it is ordered.

5. In the result, the ABLAPL is disposed of. It is directed that in the event, petitioner No.2 surrenders within a fortnight from today before the learned S.D.J.M., Jagatsinghpur in connection with Balikuda P.S. Case No.43 of 2026 corresponding to G.R. Case No.210 of 2026, he shall be released on bail subject to him on furnishing bail bond of Rs.25,000/- (Rupees twenty five 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 deemed just and proper in the facts and circumstances of the case. Furthermore, the bail plea vis-à-vis petitioner No.1 stands dismissed for the reason stated above.

6. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge

Signature Not Verified
Digitally Signed
Signed by: ALOK RANJAN SETHY
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 09-Apr-2026 15:14:47
Alok