IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 9960 of 2026
CNR No. ODHC010595622026

1. Najara Bibi @ Najera Bibi
2. Nuresha Khatun @ Nuresa Begum
3. Sk Fakru Ruddin@ Sk Fakiruddin .... ***Petitioners***

Mr. S. Mishra, Advocate

-versus-

1. State of Odisha .... ***Opposite Parties***
2. Victim

Mr. A.K. Pati, ASC
Mr. A. Das, Adv. (Informant)

CORAM: JUSTICE V. NARASINGH

ORDER
28.10.2026

Order No.

02. 1. Learned counsel Mr. A. Das has entered appearance on behalf of the Informant by filing vakalatanama. The same is taken on record.

2. Name of learned counsel Mr. Das be reflected in the file, cause list as well as web portal of this Court.

3. Heard learned counsel for the Petitioners, learned counsel for the State and learned counsel for the Informant.

4. The Petitioners are seeking pre-arrest bail in connection with G.R. Case No.110 of 2026 pending on

the file of learned Addl. District Judge-cum-Special Court under POCSO Act, Cuttack, arising out of Salepur P.S. Case No.337 of 2026 for commission of offences punishable under Section 64(1)/65(1)/45/3(5) of BNS and Section 4 of POCSO Act, and Section 66(E)/67(A) of IT Act.

5. It is submitted by the learned counsel that the present Petitioners have been implicated in the case at hand only because of their relationship with the principal accused. Hence, they may be protected by pre-arrest bail.

6. Learned counsel for the State as well as informant oppose such prayer.

7. Learned counsel for the State submits that in the view of the stipulations as contained in Section 482(4) of the BNSS, the ABLAPL is not maintainable.

8. Per contra, it is submitted by the learned counsel for the Petitioners that so far as the allegation under Section 65(1) of BNS is concerned, it is not attracted qua the present Petitioners.

9. This Court perused the 183 BNSS statement of the victim.

10. Considering the same, this Court is persuaded to hold that so far as Petitioner Nos.1 and 3 are concerned, the allegations under Section 65(1) of BNS are not made out. As such, the bar under Section

482(4) of BNSS cannot be mechanically made applicable to their prayer for pre-arrest bail.

11. Considering the rival submission, in the light of the 183 BNSS statement, the ABLAPL in respect of Petitioner No.2 (Nuresha Khatun @ Nuresa Begum) stands dismissed as not maintainable.

12. So far as Petitioner Nos.1 and 3 are concerned, considering the tenor of the statement under Section 183 of BNSS and the discussion as above, it is directed that on surrendering within three weeks hence and moving for bail, the Petitioner No.1 and 3 shall be released on bail by the learned Court in seisin on such terms as deemed just and proper.

13. It is needless to state that the Petitioner No.1 and 3 shall cooperate with the ongoing investigation.

14. Accordingly, the ABLAPL stands disposed of. U.C.C. as per rules.

(V. NARASINGH)
Judge

Santoshi

Signature Not Verified
Digitally Signed
Signed by: SANTOSHI LENKA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 29-Oct-2026 19:57:59