IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.8232 of 2026
CNR No. ODHC010599942026

Shibadatta Mishra **.....** ***Petitioner***

Represented by Adv. -
Soura Chandra Mohapatra
(Sr. Advocate)
Chiranjib Rout

-versus-

STATE OF ODISHA **.....** ***Opposite Parties***

Represented by Adv. –
Mr. T.K. Acharya, ASC

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
31.10.2026

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel appearing for the Petitioner and learned Additional Standing Counsel appearing for the State-Opposite Party. Perused the materials placed before this Court.

3. The present bail application under Section 483 of B.N.S.S. has been filed by the Petitioner for regular bail in connection with G.R. Case No.2169 of 2025, arising out of Talcher P.S. Case No.1205 of 2025, pending in the Court of learned S.D.J.M., Talcher for alleged commission of offence punishable under Section 69 of BNS.

4. It is stated by learned senior counsel for the Petitioner that the Petitioner is languishing in custody since 18.07.2026. He further

contended that in the meantime, investigation has been concluded and final charge-sheet has been filed. He further contended that although charge-sheet has been filed, however there is no possibility of the trial being commenced in the near future. Further, referring to the allegation made in the FIR, learned counsel for the Petitioner contended that admittedly the Petitioner and the Informant were in a love relationship. He further submitted that there was a physical relationship between the two, however the same was consensual. He further contended that since the marriage between the Petitioner and the Informant did not take place, the Informant has filed this FIR falsely implicating the present Petitioner in the crime. He further contended that since the charge-sheet has already been filed and the trial is not likely to take place in the near future, the Petitioner may be released on bail on any stringent terms and conditions. It was also brought to the notice of the Court that the Petitioner does not have any criminal antecedent and that he belongs to locality, therefore, there is no chance of his absconding.

5. Learned counsel for the State on the other hand objected to the release of the Petitioner on bail on the ground of gravity and seriousness of the allegation. He further submitted that the Petitioner, after making a promise to the Informant to marry her and kept physical relationships with the Informant but, in the meantime he has married elsewhere. In the aforesaid factual backdrop, learned counsel for the State submitted that a case under Section 69 of the BNS is made out against the present Petitioner. He further expressed his apprehension that in the event the Petitioner be released on bail at this juncture, there is every likelihood that he might abscond from justice. Further, the possibility of the Petitioner influencing the

witnesses including the Informant, in the event his release on bail, cannot be ruled out at this stage. On such ground, learned counsel for the State objected to the release the Petitioner on bail.

6. Perused the case diary as well as the statement of the victim recorded under Section 183 of the BNSS. The statement of the victim recorded by learned Magistrate is a lengthy one, where she has narrated the entire relationship between the Petitioner and herself. Upon a careful scrutiny of the statement of the victim, this Court observes that both the Petitioner and the victim were known to each other and that they had a consensual love relationship. The victim has also not denied consensual physical relationship with the Petitioner and the same is clearly evident from the statement of the victim recorded under Section 183 of BNSS. However the same is on a pretext that the Petitioner would marry the victim subsequently. In her statement under Section 183 of BNSS, the victim has categorically submitted about the consensual physical relationship with the Petitioner. She has further stated that whenever she raised the issue of their marriage, the Petitioner is would do his best to avoid the same.

7. Taking into consideration the rival submissions made by learned counsel appearing for the respective Parties and on a careful examination of the surrounding facts and circumstances, further on a careful scrutiny of the statement of the victim recorded under Section 183 of BNSS and the fact that both the Petitioner and the victim were known to each other and they had a consensual love relationship which later turned sour as the Petitioner did not keep his promise to marry the victim, further taking note of the period of custodial detention of the Petitioner and the fact that charge-sheet

has already been filed, this Court is inclined to release the Petitioner on bail subject to imposition of stringent conditions.

8. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (Rupees Fifty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper.

9. Release of the petitioner shall be subject to the following conditions:-

I. The Petitioner shall not harass and threatened by any of the prosecution witnesses including the victim and her family members;

II. The Petitioner shall make no attempt to contact the victim and her family members of the victim.

Violation of any of the conditions either imposed by this court or the trial Court shall entail cancellation of the bail application.

10. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)
Judge

Sisir

Signature Not Verified
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Signed by: SISIR KUMAR SETHI
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 02-Nov-2026 19:51:42