IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.8332 of 2026
CNR No. ODHC010605422026

Khaju @ Khuja @ Binod Jena ..... ***Petitioner***

Represented by Adv. –
Mr. Bhabani Shankar Dasparida

-versus-

1) State of Odisha ..... ***Opposite Parties***
2) Informant/Victim

Represented by Adv. –

Mr. Chiranjay Mohanty, ASC

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
12.11.2026

Order No.

03. 1. This matter is taken up through Hybrid mode.

2. Heard learned counsel appearing for the Petitioner as well as learned Additional Standing Counsel appearing for the State-Opposite Party. Perused the case diary as well as other materials placed before this Court.

3. The present bail application under Section 483 of BNSS, 2023 read with Section 439 of Cr.P.C. has been filed by the Petitioner for regular bail in connection with S.T. Case No.148 of 2026, arising out of G.R. Case No.867 of 2025, corresponding to Dhusuri P.S. Case No.489 of 2025, pending in the court of learned Sessions Judge-cum-Special Judge, Bhadrak, for alleged commission of offence punishable under Section 376(D) of the

I.P.C. read with Section 66-E/67/67-A of Information Technology Act, 2000.

4. During the consideration of the bail application, the victim is present before this Court through virtual mode. The victim, appearing before this Court through virtual mode, objected to the release of the Petitioner on bail.

5. Learned counsel for the Petitioner, at the outset, contended that the Petitioner is languishing in jail custody since 25.04.2026. Learned counsel appearing for the Petitioner further contended that, in the meantime, investigation has been concluded and final charge sheet has been filed. He further submitted that the Petitioner has been falsely implicated in the present case at the instance of the victim. It was also argued by the learned counsel for the Petitioner that there are no specific materials to implicate the Petitioner in the alleged crime. He further contended that since the investigation has been concluded, the Petitioner be enlarged on bail on any stringent terms and conditions.

6. Learned Additional Standing Counsel appearing for the State-Opposite Party, on the other hand, objected to the release of the Petitioner on bail on the ground of the gravity and heinousness of the crime. He further contended that the allegation against the Petitioner and co-accused persons is a crime of grave nature and they have been charge-sheeted for the commission of a heinous crime like gang rape. Referring to the gravity and seriousness of the allegation and the maximum punishment that can be imposed, learned counsel for the State prayed for the rejection of the bail application of the Petitioner.

7. Having regard to the submissions made by the learned counsels appearing for the respective parties, on a careful examination of the materials on record, further considering the statement made by the victim before this Court through virtual mode, and taking into consideration the gravity and heinousness of the crime, this Court is not inclined to release the Petitioner on bail at this juncture.

8. However, while disposing of the present bail application, liberty is granted to the Petitioner to move a fresh bail application after the victim is examined by the learned trial court.

9. With the aforesaid observation and direction, the BLAPL stands disposed of.

(Aditya Kumar Mohapatra)
Judge

Debasis

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Signed by: DEBASIS AECH
Designation: SECRETARY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 16-Nov-2026 15:45:29