IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8237 of 2026

CNR No. ODHC010609012026

Rakesh Nath ..... ***Petitioner***

Represented by Adv. - Subrata Panda

-versus-

State of Orissa ..... ***Opposite Parties***

Mr. U.C. Jena, ASC

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
10.11.2026

Order No.

02. 1. This matter is taken up through Hybrid 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.438 of 2026, arising out of Kamakhyanagar P.S. Case No.247 of 2026, pending in the Court of learned S.D.J.M., Kamakhyanagar for alleged commission of offence punishable under Sections 126(2)/296/115(2)/109(1)/74/351(2)/333/3(5) of the BNS read with Sections 25/27 of the Arms Act.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 18.04.2026. He further contended that in the meantime investigation has been concluded and the final charge-sheet has been filed. He further submitted that the injury sustained by the injured is simple in nature, therefore, the offence under Section 109 of the BNS is not attracted to the facts of the Petitioner's case. He further contended that although the Petitioner is having some criminal antecedents, however, he is ready and willing to abide by any stringent terms and conditions that would be imposed by this Court in the event the release of the Petitioner on bail. It was also pointed out the Petitioner belongs to the locality, therefore, there is no chance of his absconding.

5. Learned Additional Standing Counsel on the other hand opposed the bail application of the Petitioner on the ground that the Petitioner is having some criminal antecedents. He further contended that in the event the Petitioner is released on bail there is every likelihood that he might abscond from justice which would eventually cause delay in conclusion of the trial.

6. Having heard learned counsel for the respective parties and on careful consideration of the surrounding facts as well as materials on record, further keeping in view the fact that the investigation has been concluded and the final charge sheet has been filed and that the injury sustained by the injured is simple in nature, this Court is inclined to release the Petitioner on bail subject to imposition of stringent conditions.

7. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.40,000/- (Rupees

Forty 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.

8. The release of the Petitioner shall also be subject to following conditions:-

i) the Petitioner shall appear before the learned trial Court as and when his presence is required for the purpose of trial;

ii) shall not harass, threaten or terrorize any of the prosecution witnesses and the Informant in any manner;

iii) shall appear before the local police station once in a fortnight for a period of three months preferably on a Sunday in between 10:00 A.M. to 1:00 P.M., thereafter, once in a month for another period of three months.

Violation of any of the terms and conditions shall entail cancellation of bail.

9. It is further directed that the bail granted to the Petitioner shall be subject to the verification of his criminal antecedent and injury report. In the event, the Petitioner is having more than ten criminal antecedents and the injury sustained by the injured is grievous in nature, then this order shall stand automatically revoked.

10. It is further directed that the bail granted to the Petitioner is subject to depositing of a cash security of Rs.5,000/- (Rupees Five Thousand) before the learned Court in seisin over the matter, which shall be kept in any Nationalized Bank in interest bearing account

initially for a period of one year which will be renewable from time to time till conclusion of trial and the same shall be abide by the final outcome of the trial of the case.

11. The BLAPL is, accordingly, disposed of.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout

Signature Not Verified
Digitally Signed
Signed by: SANTANU KUMAR ROUT
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 11-Nov-2026 11:07:17