IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8596 of 2026
CNR No. ODHC010625082026

Rama Chandra Sahoo @ Babuni .... ***Petitioner***

Mr. S.R. Mulia, Advocate

-versus-

State of Odisha .... ***Opposite Party***

Mr. S. Panigrahi, ASC

BLAPL No. 9668 of 2026
CNR No. ODHC010647002026

Prafulla Mohapatra @ Tutu @ Praful Ku. Mahapatra .... ***Petitioner***

Mr. S.G. Das, Advocate

-versus-

State of Odisha .... ***Opposite Party***

Mr. S. Panigrahi, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
27.10.2026

Order No.

01. 1. Since both the BLAPLs relate to the same P.S. (Puri Town PS Case No.90 of 2022), on the consent of the parties, they are taken up together and disposed of by this common order.

2. Heard learned counsel for the Petitioners and learned counsel for the State.

3. The Petitioners are accused in connection with S.T. Case No.16/238 of 2026 & S.T. Case No.30/400 of 2023 respectively, pending on the file of learned 1st Additional Sessions Judge, Puri, arising out of **Puri Town PS Case No.90 of 2022**, for commission of alleged offences under Sections 302/120(B)/34 of IPC read with Section 25/27 of Arms Act.

4. Learned counsel, on instruction, submits that except the present BLAPLs, no other bail application of the Petitioners relating to the aforementioned P.S. case is pending in any other Court.

5. Being aggrieved by the rejection of their application for bail U/s.483 of BNSS by the learned Additional Special Judge, Sundargarh by orders dated 06.08.2026 & 29.07.2026 in the aforementioned cases respectively, the present BLAPLs have been filed.

6. It is submitted by the learned counsel for the Petitioner in BLAPL No.8596 of 2026 that the Petitioner was directed to be released on bail by this Court by order dated 28.07.2026 in BLAPL No.3487 of 2026 subject to verification of criminal antecedent taking into account the order passed by the Apex Court in respect of the co-accused Harihara Panda @ Hari in Special Leave to Appeal (Crl.) No.16310 of 2025.

7. It is stated that since inadvertently, it could not be brought to the notice of this Court that the Petitioner has one criminal antecedent being implicated in Puri Town P.S. Case No.83 of 2017 under Section 341/323/294/506/379/34 of IPC.

8. It is stated that ought not be weigh with this Court taking into account the role ascribed to the Petitioner and since other co-accused have been released on bail by this Court after going through materials and evidence on record and also in the light of the order passed by the Apex Court.

9. Learned counsel for the Petitioner in BLAPL No.9668 of 2026 submits that even if the entire prosecution case is accepted at its face value, the said Petitioner is not the principal accused and the principal accused having been enlarged on bail by the Apex Court, further continuance of the Petitioner is unwarranted and also in view of the release of the other co-accused on consideration of the evidence and materials on record.

10. Learned counsel for the State opposed the prayer for bail and so far as Petitioner in BLAPL No.8596 of 2026 is concerned, it is submitted that since he did not approach this Court with clean hands, no indulgence should be shown.

11. And, so far as Petitioner in BLAPL No.9668 of 2026 is concerned, on the basis of the Case Diary,

this Court is intimated that the said Petitioner has the following criminal antecedents:-

> "i) Town PS case No.22, dt. 28.01, 2009 U/s 307/34 IPC r/w sec.9(b) E.S. Act.
> ii) Town PS case No 148, dt.09.08.2009 U/s 399/402 IPC r/w sec. 9 (b) E.S.Act.
> iii) Sea Beach PS case No.51/2012 U/s 499/ 341/ 323/ 354/ 506/ 307/ 395/ 387/ 397/ 120(B)/ 201/ 34 IPC r/w sec.25/27 Arms Act.
> iv) Gosani Nuagaon PS case No.01/2010 U/s 120(B)/212/302/34 IPC r/w sec.25/27 Arms Act."

12. Learned counsel for the State also relies on the statement of P.W.1 wherein the role ascribed to the Petitioners has been stated.

13. Per contra, it is submitted that the Petitioners are ex-facie similarly placed with the co-accused who have been enlarged on bail. Hence, on the ground of parity, Petitioners may be released on bail.

14. Learned counsel for the State submits that mechanically the order passed by the Apex Court cannot be relied upon in as much as there is no mention regarding the criminal antecedents in the order passed by the Apex Court though the said accused is involved in Puri Town P.S. Case No.247 of 2008 under Sections 448/294/506/34 of IPC.

15. On a respectful reference of the order passed by the Apex Court, it is seen that there is no reference to criminal antecedent.

16. Be that as it may, in the light of the order of the Apex Court, taking into account the nature of evidence on record which weighed with this Court in releasing the co-accused, it is directed that the Petitioners be released on bail on such terms to be fixed by the learned Court in seisin.

17. Additionally, it is directed that the Petitioners shall appear before the jurisdictional police station on every Sunday on such time to be fixed by the learned Court in seisin till conclusion of trial. Certification of such appearance shall be submitted to the learned Court in seisin.

18. Registry is requested to send a copy of this order via electronic mode to the Superintendent of the concerned Jail, in addition to the communication through Order Communication Portal (OCP) of this Court.

19. Accordingly, the BLAPLs stand disposed of. U.C.C. as per rules.

(V. NARASINGH)
Judge

Ayesha

Signature Not Verified
Digitally Signed
Signed by: AYESHA ROUT
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 28-Oct-2026 18:40:47