IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8317 of 2026

CNR No. ODHC010527812026

Chhotu @ Sagar Nayak ..... ***Petitioner***

Represented by Adv. – Mr. Bibhu Prasad Tripathy, Senior Advocate along with Mr. Ramdas Achary, Advocate

-versus-

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

Represented by Adv. –

Mr. U.C. Jena, ASC

BLAPL No.8572 of 2026

CNR No. ODHC010632202026

Bapuji Pradhan @ Bapi ..... ***Petitioner***

Represented by Adv. – Mr. Biplaba P.B. Bahali

-versus-

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

Represented by Adv. –

Mr. U.C. Jena, ASC

BLAPL No.8900 of 2026

CNR No. ODHC010630092026

Aju @ Ajaya Baliarsingh ..... ***Petitioner***

Represented by Adv. – Mr. Jitendra Samantaray

-versus-

State of Odisha ..... ***Opposite Parties***

Represented by Adv. –

Mr. U.C. Jena, ASC

BLAPL No.9532 of 2026
CNR No. ODHC010713032026

Balaram Chhotray @ Nilu ..... ***Petitioner***

Represented by Adv. –
Mr. Sanjit Mishra

-versus-

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

Represented by Adv. –

Mr. U.C. Jena, ASC

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
05.11.2026

Order No.

03. 1. These matters are taken up through Hybrid Arrangement (Virtual/Physical Mode).

2. All these bail applications arise out of one F.I.R. involving identical allegations against all the Petitioners. Moreover, name of the Petitioners have not been named in the F.I.R., even though they have been arrested in the present case. Since factual background involved in all the bail applications are almost identical, such applications are taken up together and the same are being disposed of by the following common order.

3. Heard learned counsel for the Petitioners and learned Additional Standing Counsel appearing for the State-Opposite Party. Perused the case diary as well as other materials placed on

record in course of hearing.

4. The present bail applications under Section 483 of BNSS, 2023 have been filed by the Petitioners for regular bail in connection with G.R. Case No.194 of 2026, arising out of Kanas P.S. Case No.106 of 2026, pending in the court of learned J.M.F.C., Kanas, for alleged commission of offences punishable under Sections 126(2)/ 118(2)/ 109(1)/ 296/111(2)(b)/351(2)/3(5) of the B.N.S., 2023.

5. Learned counsels appearing for the respective Petitioners, at the outset, contended that the Petitioners in the abovenoted bail applications were initially not named in the F.I.R, instead they have been implicated in the present case at the stage of investigation. Furthermore, regarding the prosecution allegation of assault against the present Petitioners, it was specifically submitted by the learned counsels for the Petitioners that the Accused-Petitioner Chhotu @ Sagar Nayak in BLAPL No.8317 and Accused-Petitioner Bapuji Pradhan @ Bapi in BLAPL No.8572 of 2026 were arrested on 16.05.2026 and since that date they have been languishing in jail custody. Both the abovenoted accused persons have no criminal antecedent and they have been implicated only on the basis of the allegation that they had provided help to the principal accused persons, namely, Happy @ Sudhanshu Mohapatra and Dharmendra Badajena. Similarly, Accused-Petitioner Aju @ Ajaya Baliarsingh in BLAPL No.8900 of 2026 despite not being named in the F.I.R. and having no criminal antecedent, has been languishing in jail custody since 05.05.2026. It was once again clarified that there is no allegation of assault against the present Petitioners. Balaram Chhotray @

Nilu, the Petitioner in BLAPL No.9532 of 2026 has been languishing in jail custody since 09.05.2026. Learned counsels appearing for the Petitioners further contended that the primary allegation against the Petitioners is that they have allegedly provided shelter to the principal accused persons implicated in the present case.

6. Learned counsel for the State, on the other hand, opposed the release of the Petitioners on bail on the ground of gravity and seriousness of the allegation. He further submitted that the crime is a result of a conspiracy among the accused persons. He further submitted that the victim was forcefully taken by the accused persons in a vehicle and he was brutally assaulted by the accused persons. Learned counsel for the State, referring to the statement of the witnesses, submitted before this Court that there is an allegation of assault against the accused Happy @ Sudhanshu Mohapatra and Dharmendra Badajena. It was also brought to the notice of this Court that the victim has sustained grievous injuries, as a result of which, he had to undergo treatment as an indoor patient for several days. On such grounds, learned counsel for the State submitted that a case under Section 109(1) of BNS against the present Petitioners is well made out. Accordingly, it was prayed that the bail application of the Petitioners be rejected.

7. On perusal of the record as well as on a careful analysis of the submissions made by the learned counsels for both sides, further taking note of the facts revealed in the F.I.R. and the statement of the witnesses, it can be ascertained that it was the two principal accused persons, namely, Happy @ Sudhanshu Mohapatra and Dharmendra Badajena, that were directly

involved in assaulting the victim. So far as the present Petitioners are concerned, it is contended that they have not been named in the F.I.R and they have added as an accused at a later stage, i.e. during the investigation. There is a common allegation against the present Petitioners that they have assisted the accused persons in committing the crime and later fled away from the spot.

8. On a careful analysis of the factual backdrop of the present case, further taking into consideration the specific role played by the accused-Petitioners in the alleged crime, considering the period of custodial detention and the fact that charge sheet has already been filed, and the accused persons were not initially named in the F.I.R., this Court is inclined to release the Petitioners on bail.

9. Hence, it is directed that the Petitioners be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/- (Rupees fifty thousand) each with two local solvent sureties each for the like amount to the satisfaction of the court in seisin over the matter. The release of the Petitioners shall also be subject to such other terms and conditions as would be fixed by the court in seisin over the matter. It is made clear that violation of any of the conditions likely to be imposed by the court in seisin over the matter shall entail cancellation of bail.

10. It is further directed that the bail granted to the Petitioners shall be subject to the condition that the court below shall verify whether the Petitioners have any criminal antecedent. In the event it is found that the Petitioners are having any criminal antecedent, then this bail order shall automatically stand revoked.

11. The BLAPLs are, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

(Aditya Kumar Mohapatra)
Judge

Debasis

Signature Not Verified
Digitally Signed
Signed by: DEBASIS AECH
Designation: SECRETARY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 09-Nov-2026 16:12:56