IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLA No.777 of 2026
CNR No. ODHC010646352026

Birendra Panda **.....** ***Appellant***

Represented by Adv. - Siddharth Priyadarsan

-versus-

State Of Odisha and another **.....** ***Respondents***

Represented by Adv. - Ms. S. Nayak, ASC

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

10.11.2026

Order No.

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

2. Heard learned counsel for the Appellant and learned counsel for the Respondent-State. Perused the materials placed before this Court.

3. Though, notice was issued to the Respondent No.2 (Informant), however, none appears despite the valid service of notice on the informant.

4. By filing the present appeal under Section 14A of the Schedule Castes and the Schedule Tribes (Prevention of Atrocities) Act, 1989, the accused/Appellant has approached this Court with a prayer for bail by challenging the impugned rejection order dated 17.08.2026 passed by the learned Sessions Judge, Khordha at

Bhubaneswar in T.R. Case No.414 of 2026.

5. The learned counsel for the Appellant at the outset contended that the Appellant has been implicated as an accused in Bhubaneswar Mahila P.S. Case No.226 of 2026 for commission of an offences punishable under Sections 85, 296, 109, 115(2) 351(2), 82 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 3(l)(r) and 3(l)(s) of the Scheduled castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

6. The learned counsel for the Appellant further contended that on the basis of the aforesaid allegation, the above noted T.R. Case was registered and that the same is pending for trial before the learned Sessions Judge, Khordha at Bhubaneswar. He further contended that during the pendency of the trial, the Appellant moved an application for his release on bail and such bail application having been rejected by the virtue of the impugned order dated 17.08.2026 at Annnexure-1, the Appellant has approached this Court by filing the present appeal.

7. The learned counsel for the Appellant at the outset contended that the Appellant is in custody since 17.08.2026. In the meantime, the investigation has substantially progressed and the final charge-sheet is likely to be filed soon. The learned counsel for the Appellant further contended that although an offence under Section 109 of the B.N.S. has been alleged against the Appellant, however, the injuries sustained by the injured are simple in nature. He further contended that the Appellant is falsely implicated at the instance of the informant, who happens to be the wife of the present Appellant. He further contended before this Court that on suspicion, the wife of the present Appellant lodged the F.I.R. against him. He further

submitted the Appellant does not have any criminal antecedent and he belongs to the locality and therefore, there is no chance of absconding. On such grounds, the learned counsel for the Appellant prayed that the Appellant be released on bail on such terms and conditions as may be imposed by this Court.

8. The learned counsel for the Respondent/State, on the other hand, objected the release of the Appellant on bail on the ground of gravity and seriousness of allegation. She further submitted that the informant, who happens to the wife of the Appellant has made serious allegation against the present Appellant. It was also brought to the notice of the Court that the investigation is still on and the charge-sheet has not yet been filed. Therefore, the release of the Appellant at this juncture would cause hamper the further investigation in the case. Therefore, she submitted that the prayer for bail of the Appellant be rejected at this stage.

9. Having heard the learned counsels appearing for the respective parties and on a careful examination of the nature and allegation made in the present case and further keeping the view the period of detention of the Appellant in jail custody and the injuries sustained by the injured are simple in nature and further on perusal of the instruction dated 09.11.2026 of the I.I.C. Mahila P.S., Bhubaneswar, this Court is inclined to release the Appellant on bail subject to imposition of stringent conditions.

10. Hence, it is directed that the Appellant be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/-(Rupees Fifty Thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter.

11. The release of the Appellant shall also be subject to such other

terms and conditions as is deemed just and proper by the court in seisin over the matter with the following conditions :-

i. The Appellant shall not indulge any criminal activity while on bail;

ii. The Appellant shall appear before the Investigating Officer as and when required and shall cooperate with the investigation.

iii. he shall not threaten, harass and terrorize any of the prosecution witnesses including the informant and her family members in any manner whatsoever; and

iv. The Appellant shall not make any attempt to tamper with the prosecution evidence or influence, intimidate or threaten any of the prosecution witnesses, directly or indirectly.

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

12. The BLAPL is, accordingly, disposed of.

Urgent certified copy of this order be granted as per rules.

(Aditya Kumar Mohapatra)
Judge

Binayak

Signature Not Verified
Digitally Signed
Signed by: BINAYAK SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 11-Nov-2026 11:18:41