**IN THE HIGH COURT OF ORISSA AT CUTTACK**
**ABLAPL No.10150 of 2026**
**CNR No. ODHC010659542026**

***1. Sk Niajuddin @ Shaikh Niazuddin*** … ***Petitioners***
***2. Sk Banua***
***3. Samil Khan***
***4. Sk Tahiruddin @ Sk Teiruddin***
***5. Sk Sairuddin @ Sk Sehiruddin***

Mr. S. K. Jena, Advocate

*-versus-*

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

Mr. S. Panda, ASC
Mr. S. P. Dash, Advocate
(Informant)

**CORAM: JUSTICE V. NARASINGH**

**ORDER**

**Order No.** **03.11.2026**

**02.** 1. At the outset, it is submitted by the learned counsel for the Petitioners that in the case at hand the provision under Section 35(3) of BNSS has been resorted to by the Investigating Agency in respect of Petitioner Nos.2, 4 and 5 (Sk Banua, Sk Tahiruddin @ Sk Teiruddin and Sk Sairuddin @ Sk Sehiruddin respectively).

2. In view of the same, since there is no imminent threat of arrest, the ABLAPL in respect of said Petitioners stands disposed of.

3. Heard learned counsel for the Petitioners and learned counsel for the State as well as informant.

4. The Petitioners are seeking pre-arrest bail in connection with C.T. Case No.1045 of 2026 pending on the file of learned J.M.F.C., Basta, Balasore, arising out of Basta P.S. Case No.412 of 2026 for commission of offences punishable under Sections 3(5)/ 62/ 331(2)/ 115(2)/ 329(3)/ 351(2)/ 126(2)/ 79/ 296 of the BNS, 2023.

5. So far as the ABLAPL in respect of Petitioner Nos.1 and 3 are concerned, it is stated by the learned counsel that the said Petitioners have no criminal proclivity.

And, referring to the injury report, on instruction, it is further submitted by the learned counsel that the injury suffered has been categorized as simple. Hence, the said Petitioners may be protected by pre-arrest bail.

6. Learned counsel for the State as well as informant oppose the prayer for pre-arrest bail.

7. Considering the rival submissions, this Court directs that on surrendering within three weeks hence and moving for bail, the Petitioner Nos.1 and 3 (Sk Niajuddin @ Shaikh Niazuddin and Samil Khan respectively) shall be released on bail by the learned Court in seisin on such terms as deemed just and

proper subject to verification of criminal antecedent of any nature and the nature of the injury.

8. If it comes to the fore that the said Petitioners have any criminal antecedent and the injured has suffered any grievous injury, this order shall not be given effect to.

9. It is needless to state that the Petitioners shall cooperate with the ongoing investigation.

10. Accordingly, the ABLAPL stands disposed of.

U.C.C. as per rules.

***(V. NARASINGH)***
***Judge***

Jina

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