IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9838 of 2026
CNR No. ODHC010666932026

Jagabandhu Malik @ Mallik **.....** ***Petitioner***

Represented by Adv. - Himanshu Sekhar Panda

-versus-

State Of Odisha **.....** ***Opposite Parties***

Represented by Adv. - Pratik Nayak, A. Mishra, B. Mishra, C. Prakash

Mr. P.Satpathy, ASC

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

ORDER

12.11.2026

Order No.

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

2. Heard learned counsel for the Petitioner, the learned counsel for the informant and learned counsel for the State. Perused the materials placed before this Court.

3. The present bail application under Section 483 of B.N.S.S., 2023 has been filed by the Petitioner for regular bail in connection with Special C.T. Case No.2065 of 2026 arising out of Soro P.S. Case No.1091 of 2025 pending in the Court of learned J.M.F.C., Soro for the alleged commission of offence punishable under

Sections 137(2)/329(4)/324(4)/76/303(2)/115(2)/3(5) of BNS, 2023.

4. Pursuant to the notice issued by this Court, the informant appeared through Virtual Mode from the local Police Station. The informant, who happens to the mother of the victim seriously, objected to the release of the Petitioner on bail. She further submitted that the Petitioner is a married man and that forcibly taken away the minor daughter of the informant. The informant further submitted that the Petitioner forcibly married to the victim and kept physical relationship with her minor daughter, as a result of which, the minor victim became pregnant. She further alleged that, the victim was compelled to go for abortion.

5. The learned counsel appearing for the Petitioner, on the other hand, referred to the statement of the victim recorded under Section 183 of the B.N.S.S. By referring to the aforesaid statement, learned counsel for the Petitioner submitted that the statement of the victim was recorded on two occasions and that, on both occasions, the victim categorically stated that she had not been kidnapped by anyone; rather, she had accompanied the Petitioner of her own free will. The learned counsel for the Petitioner further contended that the victim had also stated that the Petitioner had not established any physical relationship with her.

6. The learned counsel appearing for the State-Opposite Party, on the other hand, opposed the prayer for bail of the Petitioner on the grounds of gravity and seriousness of the allegations. He further submitted that the Petitioner is accused of having committed a heinous offence. Referring to the severity of the punishment prescribed under the POCSO Act, learned counsel for the State contended that no leniency should be shown to the present Petitioner.

Accordingly, he submitted that the prayer for bail of the Petitioner deserves to be rejected at this stage.

7. The learned counsel appearing for the informant, on the other hand, contended that, in the event the Petitioner is released on bail, there is every likelihood that he may threaten, harass and terrorise the victim and her family members. He further submitted that the Petitioner may also make every possible attempt to tamper with the prosecution evidence and influence the prosecution witnesses. The learned counsel for the informant further emphasised that the victim is a minor girl and, considering her tender age and vulnerability, strongly opposed the release of the Petitioner on bail.

8. Having heard the learned counsels appearing for the respective parties and on a careful examination of the surrounding facts and circumstances of the present case and further keeping in view that the submissions made by the informant, who appears before this Court through Virtual Mode, this Court is not inclined to release the Petitioner on bail at this juncture. Accordingly, while rejecting the bail application of the Petitioner, liberty is granted to the Petitioner to move a fresh bail application after examination of the victim by the learned Trial Court.

9. The BLAPL is, accordingly, disposed of.

(Aditya Kumar Mohapatra)
Judge

Binayak
Signature Not Verified
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Signed by: BINAYAK SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 13-Nov-2026 12:14:22