IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9019 of 2026
CNR No. ODHC010678612026

Babrubahan Samantaray **.....** ***Petitioner***

Represented by Adv.
- Jyotirmaya Sahoo

-versus-

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

Represented by Adv. -
M/S Biswajit Nayak,
S.Samantray, A.K.Patra
(Informant)

Ms. B.K. Sahu, AGA

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

ORDER
06.11.2026

Order No.

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

2. Heard learned counsel for the Petitioner 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 G.R. Case No. 877 of 2026 arising out of Puri Town P.S. Case No. 372 of 2026 pending in the Court of learned S.D.J.M., Puri for the alleged commission of offence punishable under Section 3(5) / 318(4) / 336(4) / 61(2) of BNS forwarded U/s 318(4) / 336(4) / 111(2)(b)/ 111(4)/ 111(6)/61(2)/3(5) of BNS, 2023.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 13.06.2026. In the meantime, the investigation has been completed and final charge-sheet has already been submitted on 09.06.2026. He further contended that as per the F.I.R. allegation, the Petitioner had received a sum of Rs.22,50,000/- (Rupees Twenty Two Lakh Fifty Thousand only) from the informant for providing a flat to him. After receiving the aforesaid amount, the Petitioner provided a flat to the informant; however, the same did not meet the informant's expectations. Thereafter, a settlement was arrived at between the parties, whereby the Petitioner agreed to refund the entire amount. Accordingly, the Petitioner has already refunded a sum of Rs.5,00,000/-(Rupees Five Lakh only). The learned counsel for the Petitioner at this juncture submitted that the Petitioner is ready and willing to pay Rs.10,00,000/- (Rupees Ten Lakh only) towards the outstanding balance amount. He further submitted that the Petitioner has some criminal antecedents and he belongs to the locality, therefore, there is no chance of absconding. He further submitted that all the offences are triable by magistrate and the maximum punishment is up to seven years. In view of the aforesaid circumstances, learned counsel for the Petitioner submitted that the Petitioner be released on bail on any terms and conditions that would be imposed by this Court while the Petitioner release on bail.

5. Mr. Mohapatra, learned counsel for the Petitioner appearing in ABLAPL N0.7993 of 2026, further assured this Court that, the Petitioner is ready and willing to pay the balance amount as may be directed by this Court. However, since the anticipatory bail application does not fall within the roster assigned to this Bench, this Court is not inclined to pass any order on such anticipatory bail

application. The said application shall be dealt with by the appropriate Bench in accordance with law.

6. 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, particularly the fact that the Petitioner has already refunded a sum of Rs.5,00,000/- (Rupees Five Lakh only) and has expressed his readiness and willingness to pay a further sum of Rs.10,00,000/- (Rupees Ten Lakh only) immediately upon his release on bail, this Court is inclined to release the Petitioner on bail, subject to the imposition of stringent conditions.

7. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.40,000/- (Rupees forty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter.

8. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper. Violation of any of the conditions shall entail cancellation of the bail application.

9. It is further directed that the bail granted to the Petitioner be subject to the additional condition that the Petitioner shall pay a sum of Rs.10,00,000/- (Rupees Ten Lakh only) to the informant at the time of his release on bail, as assured by learned counsel for the Petitioner before this Court today. In the event the informant refuses to receive the aforesaid amount, the same shall be deposited before the learned Trial Court, and such deposit shall be subject to further orders to be passed by the learned Trial Court. In the event the Petitioner fails to comply with the aforesaid condition at the time of his release on bail, the order granting bail shall stand automatically revoked.

10. 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: 09-Nov-2026 12:04:33