IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9618 of 2026
CNR No. ODHC010698522026

Bhagaban Pradhan **.....** ***Petitioner***

Represented by Adv. - Bikash Mishra

-versus-

State of Orissa **.....** ***Opposite Parties***

Mr. T.K. Acharya, ASC

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

ORDER
29.10.2026

Order No.

01. 1. This matter is taken up through Hybrid mode.

2. Heard learned counsel for the Petitioner as well as learned counsel for the State. Perused the application as well as documents annexed thereto.

3. The present bail application under Section 483 of BNSS, has been filed by the Petitioner for regular bail relating to Ranpur P.S. Case No.304 of 2025, corresponding to S.T. Case No.27 of 2026, pending before the learned Addl. Sessions Judge, Nayagarh, for alleged commission of offence punishable under Sections 126(2), 296, 115(2), 109(1), 74, 75(2), 351(3), 3(5) of BNS.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 03.10.2025. He further contended that in the meantime the investigation has been concluded and the final charge-sheet has been filed. Learned counsel for the Petitioner

further submitted that although the Petitioner has been in custody for more than one year, however, in the meantime only three out of eight prosecution witnesses have been examined. On such ground, learned counsel for the Petitioner submitted that there is no possibility of the trial being concluded in the near future. He further contended that the Petitioner belongs to the locality and related to the Victim.

5. Further, referring to the allegation made in the FIR, learned counsel for the Petitioner contended that the Petitioner has been falsely implicated in the present case. He further submitted that a quarrel took place among the family members with regard to the distribution of the family property and other assets. He further contended that there exists a case and counter case against both sides. So far the present Petitioner is concerned, it is alleged that he had assaulted the Victim by fist blows and kicks. As a result of which, the Victim had to undergo termination of her pregnancy.

6. Larned counsel for the Petitioner further contended that earlier the Petitioner had approached this Court by filing BLAPL No.12181 of 2025. A Coordinate Bench of this Court vide order dated 07.01.2026 rejected the bail application upon getting a report with regard to the premature termination of pregnancy of the Victim. Thereafter, the present bail application has been filed after filing of the charge-sheet and after a gap of almost ten months. On such ground, learned counsel for the Petitioner submitted that there exists a change in circumstance, so that the present bail application can very well be considered by taking into consideration pre-trial detention of the Petitioner in custody.

7. Learned counsel for the State, on the other hand, objected to the release of the Petitioner on bail on the ground of gravity and seriousness of the allegation. He further contended that the earlier bail application of the Petitioner was rejected after verification of the report submitted by the IIC Ranpur P.S., which was submitted pursuant to the direction of the Coordinate Bench, wherein the IIC has categorically stated that as per the doctor's report the possibility of miscarriage by the Victim due to the kick given by the Petitioner cannot be ruled out. On such ground, learned counsel for the State prayed for rejection of the bail application at this juncture.

8. Considering the rival submissions made by the learned counsels appearing for the respective parties and on a careful examination of the materials on record as well as on a careful analysis of the factual background of the present case, further taking note of the gravity and seriousness of the allegation as well as the role played by the present Petitioner in the alleged crime, further keeping in view the period of detention of the Petitioner in jail custody, this Court is inclined to release the Petitioner on bail taking into consideration the pre-trial incarceration of the present Petitioner. Accordingly, it is directed that the Petitioner be released on bail on furnishing a bail bond of Rs.40,000/- (Rupees Forty Thousand) with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter. The release of the Petitioner shall also be subject to such other terms and conditions as is deemed just and proper by the court in seisin over the matter.

9. The release of the Petitioner shall also be subject to following

conditions:-

i) the Petitioner shall appear before the learned trial Court as and when his presence is required for the purpose of trial;

ii) shall not harass, threaten or terrorize the Victim and her family members in any manner whatsoever;

iii) shall not indulge in any criminal activities while on bail;

iv) shall not tamper with the prosecution evidence or make any attempt to influence any of the prosecution witnesses.

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

10. Accordingly, the BLAPL stands disposed of.

Issue urgent certified copy as per Rules.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout

Signature Not Verified
Digitally Signed
Signed by: SANTANU KUMAR ROUT
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 31-Oct-2026 16:37:49