IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.10708 of 2026
CNR No.ODHC010714112026

Pabitra Swain …. ***Petitioner***

Mr. J. Sahoo, Advocate

-versus-

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

Mr. S.K. Lenka, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

25.11.2026

Order No.

02. 1. Heard learned counsel for the Petitioner and learned counsel for the State.

2. The Petitioner is seeking pre-arrest bail in connection with G.R. Case No.326 of 2026, pending on the file of learned J.M.F.C., Aska, arising out of Kotinada P.S. Case No.75 of 2026 for commission of offences punishable under Sections 109(1)/ 115(2)/ 117(2)/ 3(5) of the BNS, 2023.

3. The learned counsel for the Petitioner submits that the Petitioner is a young man of twenty years and has no criminal antecedent. Hence, he may be protected by pre-arrest bail, as there was no premeditation in committing the offence.

4. Learned counsel for the State opposes the prayer for pre-arrest bail and going through the materials on record including the injury report which

indicates that the Injured has suffered two fracture injuries, this Court is not persuaded to hold that the Petitioner is entitled to pre-arrest bail.

5. Taking into account the nature of allegations, this Court is not inclined to entertain this ABLAPL for pre-arrest bail.

However, it is directed that the Petitioner may surrender before the learned J.M.F.C., Aska, in connection with the aforementioned case within one month from today.

In the event of his surrender and motion for bail, the same be considered by the learned J.M.F.C., Aska, on merits, in the first hour of the day.

In the event of rejection of the prayer for bail by the learned J.M.F.C., Aska, the Petitioner is at liberty to move the higher forum for bail in the second hour on the same day.

6. On being so moved, the higher forum is requested to make an endeavor to dispose of the bail application of the Petitioner on the same day.

The case diary shall be made available to the concerned courts to facilitate disposal of the bail application of the Petitioner and learned J.M.F.C., Aska, is called upon to transmit the case record to the higher forum at the earliest in the event of rejection of such bail application.

7. Learned Court in seisin is requested to verify criminal antecedent of the Petitioner. If it comes to fore that the Petitioner has criminal antecedent, this order shall not be given effect to.

8. Accordingly, the ABLAPL stands disposed of.

U.C.C. as per rules.

(V. NARASINGH)
Judge

Mili

Signature Not Verified
Digitally Signed
Signed by: MILI MAHARANA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 26-Nov-2026 19:09:29