IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.9551 of 2026
CNR No. ODHC010720112026

1) Susil Kumar Jena @ Nabina **.....** ***Petitioners***
2) Chandrakala Jena
Represented by Adv. –
Mr. Sudipto Panda

-versus-

State of Odisha **.....** ***Opposite Party***
Represented by Adv. –

Miss Babita Kumari Sahu, AGA

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
28.10.2026

Order No.

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

2. Heard learned counsel for the Petitioners and learned Additional Government Advocate appearing for the State-Opposite Party. Perused the bail application as well as the documents annexed thereto.

3. The present bail application under Section 483 of B.N.S.S., 2023 read with Section 439 of Cr.P.C. has been filed by the Petitioners for regular bail in connection with S.T. No.348 of 2013, arising out of Chandanpur P.S. Case No.43 of 2012, pending in the court of learned Sessions Judge, Puri, for alleged commission of offences punishable under Sections 498-A/304(B)/302/34 of I.P.C. read with Section 4 of the D.P. Act.

4. It is stated by the learned counsel for the Petitioners that the Petitioners were earlier released on bail vide order dated 30.07.2012 passed in BLAPL No.15080 of 2012 and order dated 05.09.2012 passed in BLAPL No.22143 of 2012 by this Court. He further contended that after their release on bail, the Petitioners were appearing before the trial court on each and every date fixed. However, due to a communication gap with their conducting counsel, the Petitioners could not appear before the trial court on 28.07.2026. As a result of which, the learned trial court issued an N.B.W. against the present Petitioners. Upon execution of the said N.B.W., the Petitioners were taken into custody and have been languishing in jail since 03.09.2026. In the aforesaid factual backdrop, learned counsel for the Petitioners contended that the Petitioners are now ready and willing to abide by any terms and conditions in the event they are released on bail.

5. Learned counsel for the State, on the other hand, objected to the release of the Petitioners on bail on the ground that the Petitioners are defaulters. Therefore, no leniency should be shown to them. She further submitted that in the event the Petitioners are released on bail, there is every likelihood that they might default again which would eventually cause delay in conclusion of trial. On such ground, learned counsel for the State prayed for rejection of Petitioners' prayer for bail.

6. Considering the submissions made by the learned counsels appearing for the respective parties and on a careful examination of the background facts of the present case, further taking note of the fact that earlier the Petitioners were released on bail and due to their default to appear before the trial court, they were again taken into

custody, this Court is inclined to release the Petitioners.

7. Hence, it is directed that the Petitioners be released on bail in the aforesaid case on furnishing bail bond of Rs.40,000/- (Rupees forty thousand) each with two local solvent sureties each for the like amount to the satisfaction of the court in seisin over the matter. The release of the Petitioners shall also be subject to such other terms and conditions as would be fixed by the court in seisin over the matter. Violation of any of the terms and conditions shall entail cancellation of bail.

8. It is open to the learned trial court to proceed against the Petitioners and to ensure their attendance before the trial court in the event they make any further default in appearance before the learned trial court.

9. The BLAPL is, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Debasis

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Reason: Authentication
Location: High Court of Orissa
Date: 29-Oct-2026 15:05:37