IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.10598 of 2026
CNR No. ODHC010746432026

Durga Kumar Soni **.....** ***Petitioner***

Represented by Adv. - Chhabi Behera

-versus-

STATE OF ODISHA **.....** ***Opposite Party***

Represented by Adv. – Mr. D.K. Sahu, AGA

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
05.11.2026

Order No.

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

2. Heard learned counsel appearing for the Petitioner and learned Additional Government Advocate appearing for the State-Opposite Party. Perused the materials placed before this Court.

3. The present bail application under Section 483 of B.N.S.S. has been filed by the Petitioner for regular bail in connection with G.R. Case No.1265 of 2026, arising out of Sadar P.S. Case No.576 of 2026, pending in the Court of learned J.M.F.C.(R), Cuttack for alleged commission of offence punishable under Sections 318(4)/69/351(2) of the IPC.

4. It is stated by learned counsel for the Petitioner that the Petitioner is languishing in custody since 18.08.2026. He further submitted that

though the investigation has progressed substantially, however the charge-sheet has not been filed. He further submitted that the Petitioner who is an innocent boy and has been falsely implicated in the present case at the instance of the victim and her family members. Learned counsel for the Petitioner further contended that the Petitioner does not have any criminal antecedent and that although he does not belong to State of Odisha however, he is ready and willing to abide by any stringent terms and conditions.

5. Further referring to the allegation made in the FIR, learned counsel for the Petitioner contended that as per the FIR allegation, the victim has lodged FIR, wherein it has been specifically alleged that the Petitioner had taken away a sum of Rs.1,50,000/- from the victim and that the same has not been returned. It appears that both the Petitioner and the Informant had love relationship and physical relationship also. Learned counsel for the Petitioner contended that the Petitioner has been falsely implicated in the present case and that the Petitioner was ready and willing to marry the victim and for which he had given several offers, however the victim has backed out from such proposal advanced by the Petitioner. On such ground, learned counsel for the Petitioner contended that the Petitioner is languishing in custody since the date of his arrest be enlarged on bail.

6. Learned Additional Standing Counsel 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 submitted that in course of investigation, the case has been turned to one under Section 69 of the BNS. He further submitted that since the investigation is continuing, the release of the Petitioner at this juncture would cause delay in the investigation. Moreover, learned counsel for the State contended that in the event the Petitioner is released on bail there is every likelihood that

he might influence or threaten and the prosecution witnesses including the victim. On such ground, learned counsel for the State prayed for rejection of the bail application of the Petitioner.

7. On perusal of the case diary as well as the statement of the victim recorded under Section 183 of BNSS, it appears that the victim in her statement has categorically admitted with regard to the relationship of the victim with the Petitioner. It has been specifically stated that they have love relationship for several years and they quite frequently had physical relationship. It has also been stated by the victim that the Petitioner has borrowed a sum of Rs.1.5 lakh from the victim which was not returned. The victim in her statement further stated that the Petitioner had given several offers to marry the victim after he came to know about the fact that the marriage of the victim has been fixed elsewhere by the family members. In view of the aforesaid position, this Court is of the view that the applicability of Section 69 to the facts of the Petitioner's case appears doubtful.

8. Taking into consideration the gravity and seriousness of the allegation as well as the role of the present Petitioner in the alleged crime, further taking note of the fact that he does not have any criminal antecedent and that he has been languishing in custody since 18.08.2026, this Court is inclined to release the Petitioner on bail subject to imposition of stringent conditions.

9. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.50,000/- (Rupees fifty 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 terms and conditions as may be deemed just and proper by the Court in seisin over the

matter.

Additionally, the learned trial Court shall also imposed the following conditions;

(i) the Petitioner shall cooperate with the investigation and appears before the I.O. as and when required;

(ii) the Petitioner shall not harass and terrorize any of the prosecution witnesses including the victim and her family members;

(iii) shall not make any attempt to contact the victim in any manner whatsoever;

Violation of any of the conditions either imposed by this Court or the trial Court shall entail cancellation of the bail application.

10. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)
Judge

Sisir

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Signed by: SISIR KUMAR SETHI
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 09-Nov-2026 14:36:38