IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.10336 of 2026
CNR No. ODHC010761362026

Keshaba Kunda @ Thesa Kalia **.....** ***Petitioner***

Represented by Adv. - Sidhartha Sankar Ray (2)

-versus-

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

Represented by Adv. -Mr. U.C.Jena, A.S.C.

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

Order No. **19.11.2026**

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

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

3. The present bail application under Section 483 of the B.N.S.S. has been filed by the Petitioner for regular bail in connection with G.R. Case No.167 of 2026, arising out of Jarada P.S. Case No.113 of 2026, pending in the Court of learned J.M.F.C., Patrapur for alleged commission of offence punishable under Sections 126(2)/ 296(b)/ 351(2)/ 3(5) of BNS.

4. Learned counsel for the Petitioner submitted that the Petitioner has been in custody since 15.05.2026. He further

submitted that, although the Petitioner has certain criminal antecedents, he has already been acquitted in most of those cases in the meantime. It was further contended that the Petitioner is ready and willing to abide by any stringent terms and conditions that may be imposed by this Court in the event of his release on bail. It was also brought to the notice of the Court that the Petitioner is a permanent resident of the locality and, as such, there is no likelihood of his absconding.

5. Further referring to the allegations made in the F.I.R., learned counsel for the Petitioner contended that the F.I.R. was initially registered under Section 351 of the B.N.S., but subsequently, the charge-sheet was filed under Section 109 of the B.N.S. He further contended that the injuries sustained by the injured were simple in nature and, therefore, the offence under Section 109 of the B.N.S. was not attracted to the facts of the present case. Learned counsel for the Petitioner also submitted that the Petitioner had been falsely implicated in the present case and had been languishing in custody for more than five months. It was specifically emphasised before this Court that the injuries sustained by the injured were simple in nature. On the aforesaid grounds, learned counsel for the Petitioner prayed for release of the Petitioner on bail.

6. Learned Additional Standing Counsel, on the other hand, vehemently opposed the bail application of the Petitioner on the ground of the gravity and seriousness of the allegations. He further contended that, as per the allegations made in the F.I.R.,

the Petitioner had threatened the informant. He also submitted that the Petitioner has several criminal antecedents and that, in the event of his release on bail, there is every likelihood of his absconding or indulging in similar criminal activities.

7. Having heard learned counsel for the respective parties and on careful consideration of the surrounding facts as well as materials on record, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.40,000/- (Rupees Forty Thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter. 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 terms and conditions shall entail cancellation of bail.

8. However, while imposing conditions, the learned Court below shall also impose the following conditions:

(i) The Petitioner shall not indulge in any criminal activity while on bail.

(ii) The Petitioner shall appear before the jurisdictional Police Station once in every fortnight for a period of three months, preferably on Sundays between 10:00 A.M. and 1:00 P.M., and thereafter once a month for a further period of three months.

(iii) The Petitioner shall not, directly or indirectly, harass, threaten or intimidate the

informant, any of the prosecution witnesses or their respective family members.

(iv) The Petitioner shall not make any attempt to contact or communicate with the informant or her family members, either directly or indirectly.

(v) The Petitioner shall not leave the jurisdiction of the learned Trial Court without obtaining prior permission from the learned Trial Court.

(vi) The Petitioner shall appear before the learned Trial Court as and when required for the purpose of the trial.

9. The BLAPL is, accordingly, disposed of.

(A.K. Mohapatra)

Judge

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