IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.11978 of 2026
CNR No. ODHC010789732026

1) Muna Gouda **.....** ***Petitioners***
2) Tophan Gouda @ Pabana
3) Ghanashyam Gouda @ Nari Gouda

Represented by Adv. –
Mr. Jyotirmaya Sahoo

-versus-

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

Represented by Adv. –

Mr. Pradipta Satpathy, ASC

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
23.10.2026

Order No.

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

2. Heard learned counsel for the Petitioners and learned Additional Standing Counsel for the State-Opposite Party. Perused the Anticipatory Bail Application as well as the F.I.R.

3. The present application has been filed under Section 482 of B.N.S.S., 2023 by the Petitioners seeking pre-arrest bail in connection with Beguniapada P.S. Case No.491 of 2026, corresponding to G.R. Case No.1983 of 2026, pending in the court of the learned J.M.F.C., Khallikote, registered for alleged commission of offences punishable under Sections 333/296/115(2)/74/324(4)/351(2)/3(5) of B.N.S., 2023.

4. It is stated by the learned counsel for the Petitioners that the

Petitioners No.2 and 3 do not have any criminal antecedent. He further submitted that the injuries sustained by the injured are simple in nature. On such grounds, learned counsel for the Petitioners submitted that the Petitioners be enlarged on pre-arrest bail on any stringent terms and conditions.

5. Learned counsel for the State, on the other hand, objected to the release of the Petitioners on pre-arrest bail on the ground of gravity and seriousness of the allegation.

6. At this stage, learned counsel for the Petitioners submitted that the Petitioners do not want to press this bail application and seek liberty to surrender before the court below and move an application for bail.

7. Considering such submissions, the Petitioners No.2 and 3 are permitted to surrender before the court in seisin over the matter within a period of four weeks from today and move an application for bail. In such eventuality, the court in seisin over the matter shall release the Petitioners No.2 and 3 on bail on such terms and conditions as it may deem just and proper in the facts and circumstances of the case, but subject to verification of criminal antecedent of the Petitioners No.2 and 3 as well as injury report. In the event it is found by the court below that the Petitioners No.2 and 3 are having any criminal antecedent or the injuries sustained by the injured are grievous in nature, then this order shall automatically stand revoked in respect of Petitioners No.2 and 3.

8. So far as the Petitioner No.1 is concerned, taking into consideration the nature and gravity of the allegation and on the request of the learned counsel for the Petitioner No.1, the Petitioner

No.1 is permitted to surrender before the learned J.M.F.C., Khallikote in the aforesaid case in the first hour within four weeks hence and move for bail. On such event, the learned Magistrate shall consider his application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the Petitioner No.1 may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the Petitioner No.1 on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

9. The case diary be made available on the date of surrender on an application being filed by the Petitioner No.1 prior to his date of surrender along with a copy of today's order. Records be transmitted to the higher forum at the cost of the Petitioner No.1, if applied for.

10. The ABLAPL is, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

(Aditya Kumar Mohapatra)
Vacation Judge

Debasis

Signature Not Verified
Digitally Signed
Signed by: DEBASIS AECH
Designation: SECRETARY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 24-Oct-2026 19:37:57