IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.11845 of 2026
CNR No. ODHC010789792026

Tusar @ Subham Karan **.....** ***Petitioner***
Represented by Adv. - Kuldeep Mohanty

-versus-

1) State Of Odisha **.....** ***Opposite Parties***
2) Informant
Represented by Adv. -

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
23.10.2026

Order No.

01. 1. This matter is taken up through Virtual Mode.

2. Heard learned counsel for the Petitioner and learned Additional Government Advocate for the State. Perused the Anticipatory Bail Application as well as the F.I.R.

3. This is an application under Section 482 of the BNSS filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 64(2)(m), 65(1) of BNS read with Section 6 of POCSO Act in connection with Spl. G.R. Case No.65 of 2026 in the Court of learned Additional Sessions Judge-cum-Special Judge under POCSO Act, Nayagarh arising out of Gania P.S. Case No.132 of 2026.

4. Learned counsel for the Petitioner at this juncture submitted that the Petitioner does not want to press this application and seeks liberty to surrender before the court below and move an application

for bail.

5. Considering such submissions, the Petitioner is given liberty to surrender before the learned court in seisin over the matter in the aforesaid case in the first hour within 21 working days 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 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 the same day strictly on the basis of the materials on record, by maintaining the principles of parity, if applicable. It is open to the petitioner to serve a notice in advance on the informant indicating the date on which the case is likely to be taken up by the learned trial court.

6. The case diary be made available on the date of surrender on an application being filed by the Petitioner 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, if applied for.

7. The ABLAPL is disposed of accordingly.

Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Vacation Judge

Signature Not Verified
Sumitra
Digitally Signed
Signed by: SUMITRA NAYAK
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 27-Oct-2026 11:19:53