IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.11878 of 2026
CNR No. ODHC010795962026

Laxmidhar Upadhyaya **.....** ***Petitioner***

Represented by Adv. - Mahendra Kumar Pradhan

-versus-

State Of Odisha **.....** ***Opposite Parties***

Represented by Adv. - Mr. M. K. Mohanty, ASC

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA
ORDER
23.10.2026

Order No.

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

Mr. P.K. Panda, learned counsel appearing on behalf of the petitioner and filed Vakalatnama in Court today. The same is accepted and be kept on record.

2. Heard learned counsel for the Petitioner and learned Counsel for the State-Opposite Party. Perused the records.

It is stated by the learned counsel for the petitioner that the aforesaid Police Case corresponds to Special G.R. Case No.148 of 2026 pending before the learned Special Judge-cum-District and Sessions Judge, Puri.

3. The present application has been filed under Section 438 of Cr.P.C. for releasing the Petitioner on anticipatory bail for alleged

commission of offences under Sections 126(2) / 296/ 351(3) / 115(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023 (BNS) read with U/s 3 of Schedule Caste and Schedule Tribe (Prevention of Atrocities Act, 1989). However, in view of the bar contained under Sections 18 as well as 18-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the present application u/s 482 of B.N.S.S. is not maintainable. The provisions of section 482 of B.N.S.S. is not applicable to the case registered involving an offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. Further, this Court has also elaborately discussed the issue in the case of ***Pramod Kumar Ray and others-vrs.-State of Odisha***, reported in ***(2017) 67 OCR 309***. In the light of the principle laid down by this Court in ***Pramod Kumar Ray*** (supra), the present bail application is being disposed of with the following observations.

5. The Petitioner shall surrender before the learned Special Judge-cum-District and Sessions Judge, Puri in Special G.R. Case No.148 of 2026 arising out of Singhadwara P.S. Case No.242 of 2026 on or before 25.11.2026. Seven days before the Petitioner surrender before the said Court, his counsel shall serve a copy of the bail application or such number of copies of the bail application on the learned Public Prosecutor/Special Public Prosecutor, as required by him, for the purpose of notice to the victim or his/her counsel or dependant.

6. Further, it is directed that on advance intimation the case diary and other relevant materials be made available to the Court in seisin over the matter by the date of surrender. The learned Court in seisin over the matter is further directed to consider the case of the

Petitioner in accordance with law and shall dispose of the bail application on the very same day.

7. Till the date of surrender of the Petitioner as stipulated in this order, the Petitioner shall not be arrested in connection with the aforesaid case.

8. The ABLAPL is disposed of accordingly.

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

(A.K. Mohapatra)
Vacation Judge

Binayak

Signature Not Verified
Digitally Signed
Signed by: BINAYAK SAHOO
Reason: Authentication
Location: High Court of Orissa, Kataka
Date: 25-Oct-2026 19:20:51