IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.11867 of 2026
CNR No. ODHC010796622026

Tusarkanta Sahu and another **.....** ***Petitioners***

Represented by Adv.
- Dalirani Behuray

-versus-

State Of Odisha and another **.....** ***Opposite Parties***

Represented by Adv.
- Ms. S. Nayak, ASC

CORAM:
THE HON'BLE 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 Petitioners and learned counsel 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 B.N.S.S., 2023 filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 318(4)/ 296/ 351(2)/ 3(5) of BNS in G.R. Case No. 710 of 2026 pending in the Court of learned J.M.F.C., Pipili arising out of Delanga P.S. Case No. 240 of 2026.

4. So far as petitioner no.1, namely, Tusarkanta Sahu is concerned, learned counsel for the Petitioners, at the outset, submitted that the petitioner no.1 does not want to press this bail application and seek liberty to surrender before the court below and move an application for bail.

5. Considering such submissions, the petitioner no.1 is permitted to surrender before the learned court in seisin over the matter within a period of three weeks from today and move an application for bail. In such eventuality, learned court in seisin over the matter shall release the petitioner no.1 on bail subject to such terms and conditions as the learned Magistrate may deem just and proper. Violation of any of the terms and conditions shall entail cancellation of the bail.

6. It is further directed that the bail granted to the petitioner no.1 shall be subject to the verification of his criminal antecedent. In the event, the petitioner no.1 is having any criminal antecedent, then this order shall stand automatically revoked.

7. So far as the petitioner no.2, namely, Jatindra Mahakud, is concerned, taking into consideration the nature and gravity of the allegations, on the request of learned counsel for the Petitioner, the Petitioner No.2 is permitted 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 No.2 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.2 the same day strictly on the basis of the materials on record, by maintaining the principles of parity, if applicable.

8. The case diary be made available on the date of surrender on an application being filed by the Petitioner No.2 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.2, if applied for.

9. 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 19:20:50