IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.12150 of 2026
CNR No. ODHC010798322026

Sk. Md. Safayat Ali and another ..... Petitioners

Represented by Adv. -
Prajna Sarita Mohanty

Mr. S.K. Mishra, Sr. Adv.

-versus-

STATE OF ODISHA ..... Opposite Parties

Mr. P.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.

2. Heard Mr. S.K. Mishra, learned Senior Counsel for the Petitioners and learned counsel for the State. Perused the anticipatory bail application as well as the F.I.R.

3. The present application has been filed under Section 482 of BNSS by the Petitioners seeking pre-arrest bail in connection with Basta P.S. Case No.319 of 2025, corresponding to C.T. Case No.726 of 2025, pending in the court of learned J.M.F.C, Basta, for alleged commission of offences punishable under Sections 191(2), 191(3), 324(4), 129(2), 296, 115(2), 118(1), 118(2), 109(1), 351(2), 190 of BNS.

4. It is stated by the learned Senior Counsel for the Petitioners that the Petitioners were earlier released on bail by a Coordinate Bench of this Court in ABLAPL No.12390 of 2025 vide order dated

07.11.2025, however, such release was subject to verification of their antecedent. He further submitted that later on it was found that the Petitioners are having two criminal antecedents each, out of which in one case they have already been acquitted. He further contended that the principal accused has already been enlarged on bail in the meantime.

5. So far the Petitioners are concerned, they are 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 their 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 Petitioners 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 Petitioners the same day strictly on the basis of the materials on record, by maintaining the principles of parity, if applicable.

6. The case diary be made available on the date of surrender on an application being filed by the Petitioners prior to their date of surrender along with a copy of today's order. Records be transmitted to the higher forum at the cost of the Petitioners, if applied for.

7. The ABLAPL is disposed of accordingly.

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

(Aditya Kumar Mohapatra)
Vacation Judge

S.K. Rout

Signature Not Verified
Digitally Signed
Signed by: SANTANU KUMAR ROUT
Reason: Authentication
Location: High Court of Orissa
Date: 24-Oct-2026 19:06:34