IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.10916 of 2026
CNR No. ODHC010801962026

Suvendu Kumar Swain ..... ***Petitioner***

Represented by Adv. –
Mr. Arijeet Mishra

-versus-

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

Represented by Adv. –

Mr. D.K. Sahoo, AGA

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
05.11.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel appearing for the Petitioner as well as learned Additional Government Advocate appearing for the State-Opposite Party. Perused the bail application as well as the documents annexed thereto.

3. The present bail application under Section 483 of B.N.S.S., 2023 has been filed by the Petitioner for regular bail in connection with G.R. Case No.991 of 2026, arising out of Rajkanika P.S. Case No.628 of 2026, pending in the court of learned J.M.FC., Aul, for alleged commission of offences punishable under Sections 331(4)/305(a)/3(5) of BNS, 2023.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is languishing in jail custody since 29.09.2026. He further

submitted that, in the meantime, although the investigation has progressed substantially, the final charge sheet has not been filed. Learned counsel for the Petitioner further submitted that the Petitioner does not have any criminal antecedent and that he belongs to the locality, therefore, there is no chance of his absconding.

5. Further referring to the F.I.R., learned counsel for the Petitioner contended that, as per the prosecution allegation, the Petitioner along with other co-accused persons had stolen the batteries from the mobile tower. He also brought to the notice of this Court that initially the F.I.R. was lodged against unknown accused persons. However, during investigation, the Petitioner has been arrested by police on suspicion, and since that date, he has been languishing in jail custody. In the aforesaid factual backdrop, learned counsel for the Petitioner submitted that the Petitioner, who is an innocent person, be released on bail on any stringent terms and conditions.

6. Learned counsel for the State, on the other hand, opposed the release of the Petitioner on bail on the ground that investigation is still on. He further submitted that in the event the Petitioner is released on bail, there is every likelihood that he might abscond from justice which would eventually cause delay in conclusion of the investigation as well as filing of the charge sheet. On such grounds, it is submitted that the prayer for bail of the Petitioner be rejected at this juncture.

7. Taking into consideration the submissions made by the learned counsels appearing for both sides and the nature and gravity of the allegation, and the potential punishment, as well as the fact that the F.I.R. was initially lodged against the unknown persons and the

Petitioner has no criminal antecedents, this Court is inclined to release the Petitioner on bail.

8. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.40,000/-(Rupees forty thousand) with two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter. The release of the Petitioner shall also be subject to such other terms and conditions as would be fixed by the court in seisin over the matter. Violation of any of the terms and conditions shall entail cancellation of bail.

9. It is further directed that the bail granted to the Petitioner shall be subject to the condition that the court below shall verify whether the Petitioner is having any criminal antecedent. In the event it is found that the Petitioner is having any criminal antecedent, then this bail order shall automatically stand revoked.

10. The BLAPL is, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Debasis

Signature Not Verified
Digitally Signed
Signed by: DEBASIS AECH
Designation: SECRETARY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 06-Nov-2026 13:36:53