IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.11142 of 2026
CNR No. ODHC010812032026

Swadhin Kumar **.....** ***Petitioner***

Represented by Adv. –
Mr. Gyana Ranjan Dhal

-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 C.T. Case No.839 of 2026, arising out of Tamando P.S. Case No.317 of 2026, pending in the court of learned J.M.F.C.-1, Bhubaneswar, for alleged commission of offences punishable under Sections 318(4)/61(2)/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 28.07.2026 being

remanded in the present case. He further submitted that in the meantime investigation has been concluded and final charge sheet has been filed. Learned counsel for the Petitioner further submitted that the Petitioner has been falsely implicated in the present case. He also contended that the Informant, by filing the present F.I.R., is trying to convert a civil dispute into a criminal case. He further submitted that although the Petitioner is having two criminal antecedents, however he is ready and willing to abide by any stringent terms and conditions that would be imposed by this Court in the event he is released on bail.

5. Learned counsel for the Petitioner referring to the allegation made in the F.I.R., contended that the present Petitioner, along with another co-accused, induced the Informant to pay money for purchase of certain plots. Accordingly, the Informant has transferred money into the account of the present Petitioner.

6. On perusal of the F.I.R., it reveals that certain understanding took place between the Informant and the accused persons, as a result of which, they have entered into an agreement and the present Petitioner has refunded some amount to the Informant. However, since the balance amount was not refunded as promised by the present Petitioner, the present F.I.R. has been lodged alleging commission of offences as has been indicated in the F.I.R. On such grounds, learned counsel for the Petitioner submitted that the Petitioner be enlarged on bail on any terms and conditions as would be deemed just and proper by this Court.

7. Learned counsel for the State, on the other hand, opposed the release of the Petitioner on bail on the ground of gravity and seriousness of the allegation. He further submitted that such types of

incidents are on the rise now-a- days. Therefore, no leniency should be shown to the accused persons who are involved in such type of financial offences. On such grounds, it is submitted that the prayer for bail of the Petitioner be rejected at this juncture.

8. Having regard to the submissions made by the learned counsels appearing for both sides and on a careful examination of the nature and gravity of the allegation, this Court is inclined to release the Petitioner on bail.

9. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000/-(Rupees fifty 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 the following conditions:-

I. He shall furnish a cash security of Rs.50,000/- (Rupees Fifty Thousand) before the court in seisin over the matter, which shall be kept in any Nationalized Bank in interest bearing account initially for a period of one year which will be renewable from time to time till conclusion of trial and the same shall be abide by the final outcome of the trial of the case; and

II. He shall also furnish a property security to the tune of Rs.5,00,000/- (Rupees five lakhs) before the court in seisin over the matter.

Violation of any of the condition shall entail cancellation of bail.

10. It is open for the court in seisin over the matter to impose any other conditions as it may be deemed just and proper. Violation of any of the conditions imposed either by this court or the court in seisin over the matter shall entail cancellation of the bail.

11. 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 more than two criminal antecedents, then this bail order shall automatically stand revoked.

12. 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: 09-Nov-2026 11:53:31