IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12217 of 2026

CNR No. ODHC010812932026

Alekha Jena @ Tapan Kumar Jena .... ***Petitioner***

Mr. K. Gaya, Advocate

-versus-

1. State of Odisha .... ***Opposite Parties***
2. X (Informant)

Mr. S. Panda, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
27.10.2026

Order No.

01. 1. Heard learned counsel for the Petitioner and learned counsel for the State.

2. The Petitioner is seeking pre-arrest bail in connection with Spl. G.R. Case No.88 of 2019 pending on the file of learned Additional Sessions Judge-Cum-Special Judge, Nimapara, arising out of Astaranga P.S. Case No.66 of 2019 for commission of offences punishable under Sections 452/294/354/376-D/427/323/506/379/34 of IPC read with Section 3(1)(c)w(i), w(ii), 2(v)(va) of SC & STA (PoA) Act, 1989.

3. This is the second journey of the Petitioner to this Court. Though in his earlier motion, Petitioner was directed to surrender and seek bail by order dated 16.07.2019 in ABLAPL No.9904 of 2019, it is

submitted that for overwhelming circumstances, Petitioner could not avail such order.

4. It is further submitted by the learned counsel for the Petitioner that Petitioner was not a named accused and while submitting the preliminary charge sheet, Petitioner was also not cited as accused, whereas in the final charge sheet, he has named as an accused.

5. At this stage, it is also submitted that three of the co-accused namely, Alu @ Alekha Jena @ Lenka, Ingi @ Ugrasen Nayak & Muna @ Radhamohan Biswal who since faced trial, have been acquitted by judgment dated 15.03.2022 by the learned Additional Sessions Judge-cum-Special Judge, Nimapara in T.R. No.3 of 2020.

6. It is further submitted by the learned counsel that as fate would have it, the Petitioner is suffering from haematological malignancy and reliance in this context is made on the medical report on record. Hence, Petitioner seeks pre-arrest bail.

7. Learned counsel for the State opposes the prayer for pre-arrest bail in view of the rigors of Special Act.

8. Considering the peculiar circumstances, in the backdrop of the health condition of the Petitioner and in the light of the order passed by this Court in the case of ***Pramod Kumar Ray and others Vrs. State***

of Odisha, ***(2017) 67 OCR 309***, this ABLAPL is disposed of with the following directions.

The Petitioner shall surrender before the learned Court in seisin in the aforesaid case within three weeks from today. Seven days before the surrender of the Petitioner before the said Court, the Petitioner or 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 and/or Informant.

9. Taking into consideration the nature of the offence as alleged against the Petitioner, it is directed that the Petitioner shall be released on **interim bail** by the learned Court in seisin, on the same day he surrenders in the aforesaid case, pending disposal of the bail application on merit, on such terms and conditions as deemed just and proper including the following conditions:-

I) The Petitioner shall appear before the I.O. once in a week on the date and time fixed by the said I.O. until further order by the learned Court in seisin;

II) The Petitioner shall not threaten, induce or coerce any witnesses of this case or the Victim; and

III) The Petitioner shall not involve himself in similar or any other offence during currency of this order.

10. Within two weeks of appearance of the Victim and/or Informant, the matter shall be considered and disposed of on its own merits.

11. The ABLAPL accordingly stands disposed of.

(V. NARASINGH)
Judge

Ayesha

Signature Not Verified
Digitally Signed
Signed by: AYESHA ROUT
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 28-Oct-2026 18:40:48