IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12192 of 2026
CNR No. ODHC010818242026

Sm. Sahed Ali @ Sk. Sahil & Anr. ..... ***Petitioners***

Represented by Adv. - Sidhartha Sankar Ray (2)

-versus-

State Of Odisha ..... ***Opposite Party***

Represented by Adv. - Raj Bhusan Dash, 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 Petitioners for anticipatory bail, involving offence punishable under Sections 126(2)/296/115(2)/109/121(1)/121(2)/132/351(2)/3(5) of BNS in G.R Case No.520 of 2026 in the Court of learned J.M.F.C(R) Cog., Berhampur arising out of

Gopalpur P.S Case No.165 of 2026.

4. It is stated by learned counsel for the Petitioners that some of the co-accused persons, who stand in a similar footing, have already been enlarged on bail. It was also brought to the notice of this Court that the injuries sustained by the injured are simple in nature though the same was not accepted by the learned counsel for the State in the absence of the case diary as well as the injury report. Learned counsel for the Petitioners, at the outset, submitted that the Petitioners do not want to press this application and seek liberty to surrender before the court below and move an application for bail.

5. Taking into consideration the nature and gravity of the allegation, on the request of learned counsel for the Petitioners, the Petitioners 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.

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(A.K. Mohapatra)
Vacation Judge

Anil

Signature Not Verified
Digitally Signed
Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa
Date: 24-Oct-2026 19:30:53