IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 12211 of 2026
CNR No. ODHC010820242026

1. ***Kanhu Charan Nayak*** …. ***Petitioners***
2. ***Sabit Nayak @ Sambit Nayak***
3. ***Bhagyashree Nayak***
4. ***Gopan Nayak***
5. ***Baikuntha Nayak***
6. ***Tuni Dei***
7. ***Manoj Nayak***
8. ***Rahul Nayak @ Rahula Nayak Nayak***
9. ***Sanjay Nayak***
10. ***Uttam Nayak***
11. ***Chandan Nayak***

Mr. A. Pattanaik, Advocate

-versus-

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

Mr. S. Panda, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

27.10.2026

Order No.

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

2. The Petitioners are seeking pre-arrest bail in connection with G.R. Case No.809 of 2026 pending on the file of the learned J.M.F.C., Banpur arising out of Banpur P.S. Case No.417 of 2026, for commission of offences punishable under sections 109(1)/ 115(2)/ 296/ 332(C)/ 351(3)/ 3(5) of BNS, 2023.

3. It is submitted by the learned counsel that exaggerated allegations have been made so far as the offence under Section 109 of BNS is concerned and it is submitted that even if the entire prosecution case is accepted, the overt act can only be attributed to Petitioner No.11.

4. Learned counsel for the State opposes the prayer for pre-arrest bail.

5. Taking into account the nature of allegations and the role ascribed to Petitioner No.11, this Court is not inclined to entertain the ABLAPL in respect of the Petitioner No.11 (Chandan Nayak).

However, it is directed that Petitioner No.11 may surrender before the learned J.M.F.C., Banpur in connection with the aforementioned case within one month from today.

In the event of his surrender and motion for bail, the same be considered by the learned J.M.F.C., Banpur on merits, in the first hour of the day.

In the event of rejection of the prayer for bail by the learned J.M.F.C., Banpur, Petitioner No.11 is at liberty to move the higher forum for bail in the second hour on the same day.

6. On being so moved, the higher forum is requested to make an endeavour to dispose of the bail application of Petitioner No.11 on the same day.

The case diary shall be made available to the concerned courts to facilitate disposal of the bail application of Petitioner No.11 and learned J.M.F.C., Banpur is called upon to transmit the case record to the higher forum at the earliest in the event of rejection of such bail application.

Ground of parity, if any, may be considered by the learned court(s) below.

7. So far as Petitioner Nos.1 to 10 are concerned, taking into account the nature of allegations, this Court directs that on surrendering within three weeks hence and moving for bail, Petitioner Nos.1 to 10 shall be released on bail by the learned Court in seisin on such terms as deemed just and proper.

8. It is needless to state that the Petitioner Nos.1 to 10 shall cooperate with the ongoing investigation.

9. Learned Court in seisin is requested to verify the injury report. If it comes to the fore that the injury suffered by the injured is grievous, this order shall not be given effect to.

10. Accordingly, the ABLAPL stands disposed of. U.C.C. as per rules.

(V. NARASINGH)
Judge

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