IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12628 of 2026

CNR No. ODHC010851622026

Saroj Ojha @ Saroj Kumar Ojha .... ***Petitioner***

Mr. D. Das, Advocate

-versus-

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

Mr. S.K. Lenka, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

06.11.2026

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 C.T. Case No.571 of 2026 pending on the file of learned J.M.F.C., Jajpur road, arising out of Tomaka P.S. Case No.48 of 2026 for commission of offences punishable under Section 109/ 115(2)/ 118(2)/ 126(2)/ 351(2)/ 3(5) of BNS.

3. It is submitted by the learned counsel for the Petitioner that since the charge sheet has already been filed and the injured has recovered, Petitioner may be released on pre-arrest bail.

4. Learned counsel for the State opposes such prayer for pre-arrest bail, inter alia, on the ground that the present Petitioner is cited as an accused in Tomka P.S. Case No.59 of 2016 U/s.147/ 341/ 342/ 323/ 355/ 294/ 379/ 506/ 149 of IPC.

5. This Court perused the statement of the victim-injured, Saroj Kumar Ojha.

6. And, so far as the injury is concerned, reference to the injury is mentioned as under in the charge sheet;

> "……. Received the injury opinion report in respect of injured Swaraj Kumar Ojha from CHC Dangadi. M.O. Dr. Deepak Kumar Mohanty of CHC Dangadi opined as follows: i. At the time of examination (06.04.2026 at 1.10 AM) there is a laceration wound of size 3CM X 2CM with exposed broken Tibia bone over wound boundary on right leg dorsum which is GRIEVOUS in nature. ii. At the time of examination (1.10 AM/06.04.2026) laceration of size 1CM X 2CM over left hand dorsum and swelling of size 5CM X 4 CM was present over left hand which is SIMPLE in nature, However, on XRay photocopy examination done at Trauma Causality, SCB MCH, Cuttack There is fracture of 2nd and 3rd metacarpals and proximate phalanges of 2nd and 3rd digits of left hand, hence the injury is GRIEVOUS in nature. iii.Laceration 1.5CM X 1 CM X tissue depth right elbow region which is simple in nature. iv. Laceration 1CM X 1 Cm over right hand which is simple in nature. v.Laceration 5CM X 1 XM X5 over right parietal region of head (Final opinion regarding this head injury is reserved pending NCCT Head report. <u>Upon examining Xray photocopy given by escort police, there is fracture distal part of redlous (on right forearm) which is GRIEVOUS in nature</u>.
>
> xxx xxx xxx"
>
> *(Emphasized)*

7. It is also brought to the notice of this Court that so far as one of the co-accused persons, namely, Kunjalata Ojha, is concerned, as this Court, by order dated 20.07.2026 passed in ABLAPL No.7856 of 2026, was not inclined to grant anticipatory bail and liberty was given to pursue the same before the Court in seisin, the same is assailed before the Apex Court in SLP (Crl.) No.19503 of 2026, in which interim order has been passed by the Hon'ble Supreme Court.

And, in the light of the same as well, the Petitioner also seeks pre-arrest bail.

8. It is apt to note that the Petitioner has criminal proclivity as noted. The occurrence in the case at hand is stated to be a brazen attempt on the part of the Petitioner to prevent the injured and his family from pursuing the said case, since it is the specific assertion of the inured that on being called by the police authorities, he had gone to meet them in connection with the earlier case against the Petitioner and on his way back, the occurrence in the case at hand has taken place.

9. Per contra, learned counsel for the Petitioner submits that such allegation is being made just to prejudice this Court and therefore, the same ought not to weigh with this Court.

10. Grievous injury suffered by the injured prima facie lends credence to the allegation qua the Petitioner.

11. Considering the rival submissions, taking into account the nature of allegations and the injuries suffered and the backdrop in which the offence is allegedly committed as noted above, this court is not persuaded to hold that the Petitioner can be insulated by grant of "exceptional remedy" of pre-arrest bail.

Hence, this Court is not inclined to entertain this application for pre-arrest bail.

However, in the event the Petitioner surrenders before the learned Court in seisin in the aforesaid case and moves an application for his release on bail, the same shall be considered on its own merit.

12. Accordingly, the ABLAPL stands disposed of.

(V. NARASINGH)
Judge

Santoshi

Signature Not Verified
Digitally Signed
Signed by: SANTOSHI LENKA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 06-Nov-2026 18:08:30