IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No. 12699 of 2026
CNR No. ODHC010863362026

1. Kabi Mistri …. ***Petitioners***
2. Abhi Mistri

Mr. D.K. Sahoo, Advocate

-versus-

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

Mr. A.K. Pati, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

09.11.2026

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.2540 of 2026 pending on the file of learned SDJM, Kendrapara, arising out of Marine P.S. Case No.216 of 2026 for commission of offences punishable under Sections 115(2)/ 117(2)/ 126(4)/ 304(2)/ 3(5) of BNS, 2023.

3. It is submitted by the learned counsel for the Petitioners that exaggerated allegations have been made. Hence, Petitioners may be protected by pre-arrest bail.

4. Learned counsel for the State opposes the prayer for pre-arrest bail inter alia on the ground of multiple injuries suffered by the injured.

5. It is also brought to the notice of this Court that Petitioner No.2 is a history sheeter.

6. This Court perused the statement of the injured and other materials on record including the statement of one independent witness and also perused the injury report.

7. Considering the same, this Court is not inclined to entertain this application in respect of the Petitioner No.2 (Abhi Mistri). However, in the event the said Petitioner No.2 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.

8. So far as Petitioner No.1 is concerned, taking into account the nature of allegations, this Court is not inclined to entertain the ABLAPL in respect of the said Petitioner No.1 (Kabi Mistri) respectively may surrender before the learned SDJM, Kendrapara 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 SDJM, Kendrapara on merits, in the first hour of the day.

In the event of rejection of the prayer for bail by the learned SDJM, Kendrapara, Petitioner No.1 is at liberty to move the higher forum for bail in the second hour on the same day.

9. On being so moved, the higher forum is requested to make an endeavour to dispose of the bail application of the Petitioner No.1 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.1 and learned SDJM, Kendrapara is called upon to transmit the case record to the higher forum at the earliest in the event of rejection of such bail application.

10. Learned Court in seisin is requested to verify criminal antecedent of Petitioner No.1. If it comes to the fore that Petitioner No.1 has any criminal antecedent, this order shall not be given effect to in respect of said Petitioner No.1.

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

(V. NARASINGH)
Judge

Ayesha

Signature Not Verified
Digitally Signed
Signed by: AYESHA ROUT
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 10-Nov-2026 17:39:04