IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13027 of 2026
CNR No. ODHC010872252026

Alok Moharana …. ***Petitioner***

Mr. T. P. Mohapatra, Advocate

-versus-

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

Mr. A. K. Pati, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
13.11.2026

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 G.R.G.N.Case No.402 of 2026 pending in the Court of learned Nyaydhikari Gramanyayalaya, Brahmagiri, arising out of Brahmagiri P.S. Case No.368 of 2026 for commission of offences punishable under Sections 126(2), 115(2), 296, 109, 351(2) and 3(5) of BNS.

3. It is submitted by the learned counsel that even if the entire allegations of the prosecution are accepted at its face value, the overt act is not attributed to him and the essence of the allegation qua the Petitioner is of instigation. Hence, the Petitioner may be protected by pre-arrest bail.

4. It is further submitted by the learned counsel that the co-accused, who is an accused of committing the assault has since been enlarged on bail after being taken into custody and the injury suffered in the case at hand has been categorised as simple.

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

6. Taking into account the nature of allegation and the released of the co-accused, this Court is not inclined to entertain the application for pre-arrest bail. However, the Petitioner may surrender before the learned Nyaydhikari Gramanyayalaya, Brahmagiri 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 Nyaydhikari Gramanyayalaya, Brahmagiri on merits, in the first hour of the day.

In the event of rejection of the prayer for bail by the learned Nyaydhikari Gramanyayalaya, Brahmagiri, the Petitioner is at liberty to move the higher forum for bail in the second hour on the same day.

7. On being so moved, the higher forum is requested to make an endeavor to dispose of the bail application of the Petitioner on the same day.

The case diary shall be made available to the concerned courts to facilitate disposal of the bail

application of the Petitioner and learned Nyaydhikari Gramanyayalaya, Brahmagiri 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.

8. Accordingly, the ABLAPL stands disposed of.

U.C.C. as per rules.

(V. NARASINGH)
Judge

Jina

Signature Not Verified
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Signed by: JINA DIGAL
Reason: Authentication
Location: High Court of Orissa
Date: 13-Nov-2026 17:53:07