



IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7437 of 2025

1. Banamali Jena **Petitioners**
2. Pravat Jena
3. Pramod Jena
4. Papuni Jena

Mr. P. Mahali, Advocate

-versus-

State of Odisha **Opposite Party**

Mr. S. Panda, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

04.07.2025

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.684 of 2025 pending in the Court of learned S.D.J.M, Kendrapara, arising out of Marshaghai P.S. Case No.97 of 2025 for commission of offence punishable under Sections 109/ 115(2)/ 118(1)/ 190/ 191(2)/ 191(3)/ 351(2)/ 74 of BNS-2023.
3. This is the second journey of the Petitioners to this Court. Earlier the Petitioner No.1 (Banamali Jena) moved this Court in ABLAPL No.5050 of 2025 and the



Petitioner Nos.2,3 & 4 (Pravat Jena, Pramod Jena and Papuni Jena) were before this Court in ABLAPL No.5059 of 2025 and this Court by common order dated 12.05.2025 rejected the bail applications of the Petitioners.

4. Admittedly, the Petitioner No.1 (Banamali Jena) has been following criminal antecedents, which was also noted in the earlier order.

"xxx xxx xxx

1. Marshaghai P.S. Case No.88 dt.11.04.2024

Under Sections 294/386/506/34 of IPC.

2. Marshaghai P.S. Case No.160 dt.11.04.2024

Under Section 341/294/448/509/506/34 of IPC.

3. Marshaghai P.S. Case No.30 dt.14.02.2025

Under Section 115(2)/296/351(2)/3(5) of BNS.

xxx xxx xxx"

5. So far as the other Petitioners are concerned, the same has been dealt with in paragraph-11 and 12 of the said order. For brevity the same is extracted hereunder:

"xxx xxx xxx

11. So far as the Petitioners in ABLAPL No.5059 of 2025 are concerned, taking into account the nature of allegations and the statement of the injured and also the criminal



antecedent of the Petitioner No.1 (Pravat Jena) since he has been cited as accused in Marshaghai P.S. Case No.119 dt. 30.05.2024, under Section 341/294/323/506/34 of IPC and Marshaghai P.S. Case No.88 dt.11.04.2024 under Section 294/386/506/34 of IPC, this Court is **not inclined** to entertain the ABLAPL in respect of the Petitioner No.1 (Pravat Jena) in ABLAPL No. 5059 of 2025.

12. Taking into account that the injury is grievous, this Court is not inclined to entertain the pre-arrest bail of Petitioners 2 & 3 in ABLAPL No.5059 of 2025. However, in the event the Petitioners 2 & 3 in ABLAPL No.5059 of 2025 surrenders before the learned Court in seisin in the aforesaid case and move an application for their release on bail, the same shall be considered on its own merit.

xxx xxx xxx"

6. It is submitted by the learned counsel that in the meanwhile the co-accused has been released. Hence, the Petitioners renew their prayer for pre-arrest bail.

7. Learned counsel for the State opposes the prayer, inter alia, on the ground that there is no change in circumstance.



8. There is no cavil about the proposition of law that there is no bar to filing successive bail application. Since this Court by order dated 12.05.2025 after due consideration, was not inclined to entertain the application, merely because the co-accused was taken into custody and has been released on bail, in the given circumstances, in the considered view of this Court, the same cannot be treated as a change in circumstances.

9. Accordingly, this Court is **not inclined** to entertain the application for pre-arrest bail. However, in the event the Petitioners surrender before the learned Court in seisin in the aforesaid case and move an application for their release on bail, the same shall be considered on its own merit.

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

10. Accordingly, the ABLAPL stands disposed of.

11. U.C.C. as per rules.

(V. NARASINGH)
Judge

Soumya