

**IN THE HIGH COURT OF ORISSA AT CUTTACK****ABLAPL No.6750 of 2026**  
**CNR. ODHC010432262026*****Bapu @ Jyotikanta  
Parida***

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***Petitioner******-versus-******State of Odisha***

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***Opposite Party*****For Petitioner :** Mr. A. Mohanty, Sr. Advocate  
Mr. S. Mishra, Advocate**For Opposite Party :** Mr. P.S. Nayak, AGA  
Mr. L. Samantaray, Sr. Adv.  
(Informant)**CORAM: JUSTICE V. NARASINGH****DATE OF HEARING : 25.08.2026****DATE OF JUDGMENT : 29.08.2026**

**V. Narasingh, J.** Heard Mr. Mohanty, learned Senior Counsel, along with Mr. Mishra, learned counsel for the Petitioner, Mr. P.S. Nayak, learned Additional Government Advocate for the State and Mr. Samantaray, learned Senior Counsel for the Informant.

1. The Petitioner is seeking pre-arrest bail in connection with G.R. Case No.490 of 2026 pending on the file of learned J.M.F.C. Kujanga, arising out of Paradeep P.S. Case No.147 of 2026 for commission of offences punishable under Sections



3<sup>1</sup> and 4<sup>2</sup> of the Explosive Substances Act, 1908 along with Section 288<sup>3</sup>/3(5)<sup>4</sup> of BNS.

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<sup>1</sup> **3. Punishment for causing explosion likely to endanger life or property.**—Any person who unlawfully and maliciously causes by—

(a) any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be punished with imprisonment for life, or with rigorous imprisonment of either description which shall not be less than ten years, and shall also be liable to fine;

(b) any special category explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be punished with death, or rigorous imprisonment for life, and shall be liable to fine

<sup>2</sup> **4. Punishment for attempt to cause explosion, or for making or keeping explosive with intent to endanger life or property.**— Any person who unlawfully and maliciously—

(a) does any act with intent to cause by an explosive substance or special category explosive substance, or conspires to cause by an explosive substance or special category explosive substance, an explosion of a nature likely to endanger life or to cause serious injury to property; or

(b) makes or has in his possession or under his control any explosive substance or special category explosive substance with intent by means thereof to endanger life, or cause serious injury to property, or to enable any other person by means thereof to endanger life or cause serious injury to property in India.

shall, whether any explosion does or does not take place and whether any injury to person or property has been actually caused to not, be punished,—

(i) in the case of any explosive substance, with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine;

(ii) in the case of any special category explosive substance, with rigorous imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine

<sup>3</sup> **288. Negligent conduct with respect to explosive substance.**—

Whoever does, with any explosive substance, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any explosive substance in his possession as is sufficient to guard against any probable danger to human life from that substance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

<sup>4</sup> **3. General explanations.**— (5) When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.



2. The gist of the allegation of the prosecution is that one Basant Biswal, Chairman of Paradeep Municipality, lodged an FIR stating that on the same date, at about 7.35 P.M., while he was absent from his house, three unknown culprits came on a red-coloured motorcycle and threw bottle bombs towards his house. Out of three such bombs, two exploded, filling the area with smoke. At that time his wife was offering evening prayer. Hearing the shouts of his family members and neighbours rushed to the spot, the culprits fled away on their motorcycle.

On the basis of such complaint, the FIR in question was instituted and investigation was taken up in right earnest.

2-A. It is apposite to note that during the course of hearing, it is brought to the notice of this Court that, in the meanwhile, the FIR has been altered to include Sections 61(2)<sup>5</sup>, 109(1)<sup>6</sup>, 326(g)<sup>7</sup>, 351(3)<sup>8</sup>

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<sup>5</sup> **61. Criminal conspiracy.**— (2) Whoever is a party to a criminal conspiracy,—

(a) to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Sanhita for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence;

(b) other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.

<sup>6</sup> **109. Attempt to murder.**—(1) Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten



and 3(5)<sup>4</sup> of the BNS, read with Sections 3<sup>1</sup> and 4<sup>2</sup> of the Explosive Substances Act, 1908.

3. It is submitted by the learned Senior Counsel, Mr. A. Mohanty, assisted by Mr. Mishra, learned counsel for the Petitioner, that because the Petitioner is in public life, he is being sought to be entangled in the case at hand, though the FIR is against unknown persons.

And, taking into account the materials on record, the allegation under the Explosive Substances Act, 1908 is ex facie not made out and, therefore, the Petitioner be enlarged on pre-arrest bail.

4. It is also submitted by the learned Senior Counsel for the Petitioner that the basis of the accusation, at best, is based on the statement of the co-accused and the same has to be viewed in

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years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is hereinbefore mentioned.

<sup>7</sup> **326. Mischief by injury, inundation, fire or explosive substance, etc.**— (g) fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, the destruction of any building which is ordinarily used as a place of worship or as a human dwelling or as a place for the custody of property, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

<sup>8</sup> **351. Criminal intimidation.**— (3) Whoever commits the offence of criminal intimidation by threatening to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.



the backdrop of the attempt of the investigating agency, acting on extraneous considerations, to somehow rope in the present Petitioner so that he is put behind bars.

It is strenuously urged that even if the entire allegation is accepted at its face value, the allegation can, at best, attract Section 3(5)<sup>4</sup> of the BNS. In the given circumstances, custodial interrogation is not at all warranted.

5. Such submission is opposed with equal vehemence by the learned Additional Government Advocate for the State, Mr. P.S. Nayak, as well as Mr. Samantaray, learned Senior Counsel appearing for the Informant.

6. To fortify his submission regarding the complicity of the Petitioner, learned counsel for the State relied on the statement of one of the co-accused, Trilochan Pradhan, who has stated that the attack in question was perpetrated at the behest of the Petitioner.

Similarly, learned counsel for the State also relied on the statements of the co-accused, namely, Soumya Ranjan Palai and Sidhant Biswal.

And, referring to the statement of one Antaryami Barik, it is sought to be established that



his bike was taken by two of the co-accused, Sidhanta Biswal and Tulu @ Trilochan Pradhan. And, referring to the statement of one Bishnu Charan Rout, it is stated that there was an attempt to procure petrol from the petrol pump by the co-accused. And, relying on the prima facie complicity of the co-accused and referring to their statements, it is stated that the same unerringly points to the involvement of the Petitioner.

It is submitted that referring to the Petitioner's numerous criminal antecedents, custodial interrogation of the Petitioner is imperative to unearth the truth.

7. Mr. Nayak, learned Additional Government Advocate for the State, as well as Mr. Samantaray, learned Senior Counsel for the Informant, further submit that there is no embargo to refer to a co-accused's statement during investigation and the same can also be taken into account while considering the prayer for pre-arrest bail.

8. It is stated by the learned counsel for the State that initially the Petitioner did not join the investigation, though at a later stage he appeared. But, the same is symbolical during the currency of interim protection and the same ought not to weigh with this Court.



9. Learned Senior Counsel for the Petitioner, Mr. Mohanty, refers to the additional affidavit filed at the behest of the Petitioner, clarifying the criminal antecedents.

The criminal antecedents of the Petitioner, which are in tabular form, are extracted hereunder:

| <b>SL. No.</b> | <b>P.S. CASE No.</b>                           | <b>OFFENCES</b>                                            | <b>STATUS</b> |
|----------------|------------------------------------------------|------------------------------------------------------------|---------------|
| 1.             | Paradeep P.S. Case No.178<br>dt.20.07.2000     | U/s.452/341/<br>323/506/380/<br>294/34 of IPC              | Acquitted     |
| 2.             | Paradeep PS<br>No- 204, dt.<br>18.08.2000      | U/S- 341/ 323/<br>324/ 307/ 379/<br>34 of IPC.             | Acquitted     |
| 3.             | Paradeep PS<br>Case No-96, dt.10.04.2001       | U/S- 341/ 323/<br>325/ 294/ 506/<br>34 of IPC.             | Acquitted     |
| 4.             | Paradeep P.S<br>Case No-137,<br>dt.-20.05.2001 | U/S.341/ 323/<br>294/ 452/ 336/<br>354/ 506/ 34<br>of IPC. | Acquitted     |
| 5.             | Paradeep P.S<br>Case No-148,<br>dt.-02.06.2001 | U/S-341/ 323/<br>294/ 506/ 34<br>of IPC                    | Acquitted     |
| 6.             | Paradeep P.S<br>Case No-194,<br>dt.-31.07.2001 | U/S-341/ 294/<br>324/ 307/ 379/<br>34 of IPC               | Acquitted     |
| 7.             | Paradeep P.S<br>Case No-125,<br>dt.-27.05.2002 | U/S-341/ 323/<br>324/ 325/ 506/<br>34 of IPC.              | Acquitted     |
| 8.             | Paradeep P.S<br>Case No.143,dt.<br>13.06.2002  | U/S-341/ 294/<br>307/ 324/ 506/<br>34 of IPC               | Acquitted     |
| 9.             | Paradeep P.S<br>Case No-158,<br>dt.-04.07.2002 | U/S-341/ 324/<br>307/ 506/ 34<br>of IPC                    | Acquitted     |
| 10.            | Paradeep P.S<br>Case No-41, dt.26.02.2003      | U/S-506/34 of<br>IPC                                       | Acquitted     |
| 11.            | Paradeep P.S Case No-87,                       | U/S- 395 of                                                | Acquitted     |



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|-----|------------------------------------------------|-----------------------------------------------------------------------------------------------------------|-------------------------------------|
|     | dt. 28.05.2003                                 | IPC/25 Arms Act                                                                                           |                                     |
| 12. | Paradeep P.S<br>Case No.105, dt.<br>27.05.2003 | U/S-395/397 of<br>IPC and 25/27<br>of Arms Act                                                            | Acquitted                           |
| 13. | Paradeep P.S<br>Case No-37,dt.<br>08.02.2005   | U/S- 342/395<br>of IPC and 25<br>and 27 of Arms<br>Act                                                    | Acquitted                           |
| 14. | Paradeep P.S<br>Case No-50, dt.<br>21.02.2005  | U/S-302/<br>120(B)/ 34 of<br>IPC and<br>25/27 of Arms<br>Act                                              | Acquitted                           |
| 15. | Paradeep P.S<br>Case No-95, dt.<br>7.04.2007   | U/S- 506/34 of<br>IPC                                                                                     | Acquitted                           |
| 16. | Paradeep P.S<br>Case No-337,<br>dt.-01.12.2007 | U/S-384/ 341/<br>448/ 506/ 507/<br>34 of IPC                                                              | Acquitted<br>in the<br>year<br>2012 |
| 17. | Paradeep P.S<br>Case No-348,<br>Dt.-10.12.2007 | U/S- 507/ 384/<br>506/ 34 of IPC                                                                          | Acquitted                           |
| 18. | Paradeep P.S<br>Case No-59, dt.<br>28.02.2008  | U/s.386/ 387/<br>507/ 34 of IPC                                                                           | Acquitted                           |
| 19. | Paradeep P.S<br>Case No-72,dt.<br>20.03.2009   | U/S-341/ 294/<br>506/ 34 of IPC<br>and 27 of Arms<br>Act.                                                 | Bail<br>granted                     |
| 20. | Paradeep P.S<br>Case No.143,dt.<br>25.07.2009  | U/S.307/ 506/<br>427/ 379/ 411/<br>120(B)/ 34 of<br>IPC and 9 (b)<br>I.E Act and<br>25/27 of Arms<br>Act. | Acquitted                           |
| 21. | Paradeep P.S<br>Case No-144,<br>dt.-26.07.2009 | U/S-427/ 506/<br>34 of IPC/ and<br>9(b) of I.E Act.                                                       | Acquitted                           |
| 22. | Paradeep P.S<br>Case No.174,<br>dt.06.09.2009  | U/S-506/ 307/<br>34 of IPC and<br>25/27 of Arms<br>Act.                                                   | Acquitted                           |
| 23. | Paradeep P.S. Case No.185<br>dt. 25.09.2009    | U/s.307/ 506/<br>385/ 34 of IPC                                                                           | Acquitted                           |



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|     |                                               | and 25/27 of Arms Act                                     |                                              |
| 24. | Paradeep P.S Case No.147, dt.30.05.2026       | U/S-288/ 3(5) of BNS/Sec-3 &4 of Explosive Substance Act. | Present Case                                 |
| 25. | Kujanja PS Case No-12,dt.07.02.2009           | U/S.341/ 323/ 379/ 427/ 506/ 34 of IPC                    | Acquitted                                    |
| 26. | Abhayachandpur P.S. case no.172 dt.24.12.2012 | U/s.143/ 447/ 506/ 149 IPC                                | Released on bail vide HC order dt.08.01.2013 |
| 27. | Abhayachandpur P.S. Case No.14 dt.27.02.2017  | U/s.341/ 294/ 506/ 34 of IPC                              | Released on bail vide ABLAPL No.4056 of 2017 |

9-A. And, referring to the same, it is said that in the cases at Serial Nos. 1 to 23 (except Serial No. 19) and 25, the Petitioner has been acquitted. In the cases at Serial Nos. 19 and 26, the Petitioner has been released on bail by this Court and in the case at Serial No. 27, the Petitioner has been released on pre-arrest bail.

9-B. Learned counsel for the State, with his usual fairness, has stated that the orders of acquittal have attained finality.

10. It is submitted by the learned counsel for the Petitioner that since 2018 to 2026, there is no allegation of the Petitioner having involved himself



in the commission of any offence and, referring to the alleged involvement of the Petitioner in the case at hand it is restated that the case at hand has been instituted only in order to give vent to political vendetta. Therefore, the criminal antecedents in themselves ought not to weigh with this Court in considering the prayer for pre-arrest bail.

11. Learned counsel for the State, Mr. P.S. Nayak, relied on the order of the Apex Court in the case of ***Sharad Sehgal v. State of U.P.***<sup>9</sup> to fortify his submission that anticipatory bail should not be granted in the light of criminal antecedents.

Paragraph 5 of the said order is extracted hereunder:

“5. It is very unfortunate that the High Court thought fit to release an accused on anticipatory bail against whom there are 22 FIRs registered for different offences. As on date also, he is in judicial custody in connection with some crime.”

*(Emphasized)*

12. He also further relied on the judgment of the Apex Court in the case of ***Prem Shankar Prasad***

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<sup>9</sup> *Sharad Sehgal v. State of U.P.*, 2026 SCC OnLine SC 740.



**v. State of Bihar**<sup>10</sup> and, seeking custodial interrogation, reliance was placed on the judgment of the Apex Court in the case of State represented by the **State rep. by the C.B.I. v. Anil Sharma**<sup>11</sup>.

13. It is no longer res integra that anticipatory bail is specie of post arrest bail and the principles which weigh with the Court in considering the bail application of an accused in custody are equally germane for deciding a pre-arrest bail application. [Ref.: **Satender Kumar Antil v. Central Bureau of Investigation and another**<sup>12</sup>]

14. So far as antecedents, while dealing with prayer for pre-arrest bail is concerned, the Apex Court, in its recent judgment delivered in the case of **Ankit Mishra v. State of Madhya Pradesh**<sup>13</sup>, while dealing with an anticipatory bail granted to an accused having criminal antecedents, has held that though criminal record cannot be overlooked while considering the prayer for pre-arrest bail, the consideration of the prayer for anticipatory bail ought not to be circumscribed solely on account of criminal proclivity, and the criminal antecedents cannot, by themselves, operate as a fetter on the

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<sup>10</sup> *Prem Shankar Prasad v. State of Bihar*, (2022) 14 SCC 516.

<sup>11</sup> *State v. Anil Sharma*, (1997) 7 SCC 187.

<sup>12</sup> *Satender Kumar Antil v. CBI*, 2023 SCC OnLine SC 452.

<sup>13</sup> *Ankit Mishra v. State of M.P.*, 2025 SCC OnLine SC 809.



consideration of the prayer for anticipatory bail. The seriousness of the crime, the severity of the punishment and the prima facie role ascribed to the Petitioner have to be gone into independently.

15. Balancing the right of the investigating agency to conduct a free and fair probe into the allegations, which are no doubt serious, with the fundamental right of the accused guaranteed under Article 21<sup>14</sup> of the Constitution, the rival contentions have to be considered on the touchstone of the aforementioned judgments of the Apex Court.

16. It is trite that pre-arrest bail is an “exceptional remedy”, but the same has been enacted to ensure constitutional safeguards against motivated incarceration. Admittedly, in the case at hand, it is not the case of the prosecution that the Petitioner was one of the motorcyclists who hurled the petrol bombs. The allegation against the Petitioner is of conspiracy and the entire foundation of such allegation is based on the statements of the co-accused, who are in custody. Though there is no embargo on taking into account the statement of a co-accused at the stage of

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<sup>14</sup> **21. Protection of life and personal liberty.**—No person shall be deprived of his life or personal liberty except according to procedure established by law.



investigation [**Ref.: Kalyan Chandra Sarkar v. Rajesh Ranjan**<sup>15</sup>], the same has to be balanced against the right of an accused who is presumed to be innocent till found guilty, which is the foundation of law that governs Indian criminal jurisprudence.

17. This court is not oblivious of the judgment of the Apex Court in the case of **Anil Sharma (supra)**<sup>11</sup> relating to the distinction of custodial interrogation with and without protective umbrella of an order of interim protection during currency of hearing of an anticipatory bail or post grant of pre-arrest bail. In the facts of the given case, this Court is not persuaded to hold that the decision in the case of **Anil Sharma (supra)**<sup>11</sup> has any application.

It cannot be ignored that from 2018 to 2026, the Petitioner has not been accused of the commission of any offence and the prosecution has not been able to persuade this Court that there is any scope for the Petitioner to abscond or interfere with the ongoing investigation.

In fact, it is the grievance of the Petitioner that because of political rivalry and vendetta, he is at the receiving end.

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<sup>15</sup> *Kalyan Chandra Sarkar v. Rajesh Ranjan*, (2005) 2 SCC 42.



Even otherwise, the Petitioner can be put to terms to allay any such apprehension of the prosecution. It is also on record that though initially the Petitioner did not cooperate, thereafter, the Petitioner has joined the investigation though the same is to be ignored as pleaded by the prosecution.

18. On a perspicuous analysis of the materials on record and in the light of the law as discussed above, this Court is of the considered view that custodial interrogation of the Petitioner is not warranted in the case at hand.

19. Hence, it is directed that in the event of arrest of the Petitioner in connection with the aforesaid case, he shall be released on bail by the Arresting Officer on such terms and conditions as deemed just and proper, with further conditions that he will cooperate with the investigation.

Additionally, it is directed that the Petitioner shall not leave the State of Odisha without providing specific information regarding his movement to the I.O. and the jurisdictional Court. He shall not leave the country without the permission of the Court in seisin, till the conclusion of the investigation.



20. Accordingly, the ABLAPL stands disposed of.

21. U.C.C. as per rules.

**(V. NARASINGH)**  
**Judge**

*Orissa High Court, Cuttack,  
Dated the 29<sup>th</sup> August, 2026/Santoshi  
29.08.2026 Uploaded*