IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9766 of 2026
CNR No. ODHC010635682026

Preetibala Panda *...* ***Petitioner***
Mr. P. K. Satapathy, Advocate

-versus-

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

Mr. S. Panigrahi, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

Order No. **10.09.2026**

03. 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. Case No.757 of 2026 pending on the file of learned ACJ-Cum-JMFC-1 (Cogn. Taking), Cuttack arising out of CDA Phase-II P.S. Case No.150 of 2026 for commission of offences punishable under Sections 3(5) / 316(2) / 318(4) of BNS, 2023.

3. It is submitted by the learned counsel that a commercial transaction of nonrefundable of money against a failed promise to provide land, is being given the colour of criminality and the Petitioner has been arrayed as accused. Hence, the Petitioner may be protected by pre-arrest bail.

4. It is further submitted by the learned counsel that taking into account the nature of allegations the FIR ought not to have been registered in the first place.

5. Learned counsel for the State as well as informant oppose the prayer for pre-arrest bail.

6. It is brought to the notice of this Court that the Petitioner is involved in the following three cases:-

> "1. Bandhamunda P.S Case No.127/2022 U/s 417/420/465/468/471/506/34 IPC.
> 2. Balianta PS Case No. 64 Dt: 09.02.2026 U/S-318(4)/296/351(3)/3(5) BNS.
> 3. CDA 2 PS case no- 150 dtd 19.07.2026 U/s- 318(4)/316(2)/3(5) BNS 2023."

7. It is submitted by the learned counsel that because she is the wife of the principal accused, namely, Sasadhar Panda, who is in custody, she has been implicated in the cases and she is a home maker which should weigh with this Court in considering her prayer for pre-arrest bail in the given circumstances.

8. Learned counsel for the State as well as the informant opposes the prayer for pre-arrest bail and submits that the bogey of a contractual obligation cannot come into play in the case at hand, since the

mens rea to cheat was available from its inception and also oppose the prayer referring to the criminal proclivity of the Petitioner.

9. On considering the rival submissions and taking into account the materials on record, this Court is not inclined to entertain the application for pre-arrest bail in respect of Petitioner. However, it is directed that the Petitioner may surrender before the learned ACJ-Cum-JMFC-1 (Cogn. Taking), Cuttack 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 ACJ-Cum-JMFC-1 (Cogn. Taking), Cuttack on merits, in the first hour of the day.

In the event of rejection of the prayer for bail by the learned ACJ-Cum-JMFC-1 (Cogn. Taking), Cuttack, the Petitioner is at liberty to move the higher forum for bail in the second hour on the same day.

10. 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 ACJ-Cum-JMFC-1 (Cogn. Taking), Cuttack is called upon to

transmit the case record to the higher forum in the second hour expeditiously in the event of rejection of the bail application by him.

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

11. Accordingly, the ABLAPL stands disposed of.

12. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Jina

Signature Not Verified
Digitally Signed
Signed by: JINA DIGAL
Reason: Authentication
Location: High Court of Orissa
Date: 12-Sep-2026 12:03:10