

**IN THE COURT OF SPECIAL JUDGE (VIGILANCE),
BALASORE**

Bail Application No.458 of 2026

(Arising out of C.T. Case No.279/2026 corresponding to
Town P.S. Case No.95, Dtd.04.03.2026 pending in the files of
learned SDJM, Balasore)

Chhotu @ Khitish Kumar Das,
aged 22 years,
S/o-Bijay Kumar Das,
At-Akatpur, P.S.- Town,
Dist.- Balasore.

... Petitioner

-Vrs-

State of Odisha ... Opp. Party.

ORDER

10.07.2026

This order arises out of a regular bail petition filed under Section-483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, on behalf of the accused-petitioner, Chhotu @ Khitish Kumar Das in connection with Town P.S. Case No. 95, dated 04.03.2026. The petitioner has been charge-sheeted for the commission of offences punishable under Sections-103(1) and 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023.

2. At the threshold, the learned counsel for the petitioner submitted a formal memo declaring that no identical bail application is pending or has been moved before any other legal forum.

3. The factual matrix of the prosecution case, as per

the written report dated 04.03.2026 filed by the informant, Smt. Puspanjali Behera is that on the day of the occurrence, her husband, Suraj Kumar Singh had gone to the Durga Mandap area at Akatpur to celebrate the Holi festival. Between 2:00 PM and 3:00 PM, the petitioner, Chhotu @ Kshitish Kumar Das, along with his associates, forming an unlawful assembly, assaulted her husband by means of a deadly weapon, namely a *bhujali*. The victim sustained grievous injuries and was shifted to the District Headquarters Hospital (DHH), Balasore, and subsequently referred to the SCB Medical College and Hospital, Cuttack, where he later succumbed to his injuries.

4. On the basis of the said report, the Inspector-in-Charge (IIC) of Town P.S. registered P.S. Case No. 95/2026. In the meantime, the initial phase of the investigation has been concluded and the Investigating Officer (I.O.) has submitted a preliminary charge-sheet against the petitioner while explicitly keeping the investigation open under Section-193(9) of the BNSS. The accused-petitioner has been in judicial custody since his forwarding on 06.03.2026.

5. The learned counsel for the petitioner submitted that the petitioner has been in judicial custody since 06.03.2026 and that his continued detention is no longer warranted since the preliminary charge-sheet has already been submitted. It is forcefully argued that the investigation is

inherently incomplete, as evidenced by the fact that the I.O. kept the probe open under Section-193(9) of the BNSS due to the non-receipt of the final post-mortem report and pending chemical analysis reports from the Regional Forensic Science Laboratory (RFSL). Furthermore, the learned counsel emphasized that despite a thorough search by the police, no CCTV footage or independent digital evidence of the actual occurrence has been recovered to conclusively establish the petitioner's presence at the spot. It is submitted that the petitioner is a permanent resident of Vill-Akatpur, Balasore, with deep roots in society, poses absolutely no flight risk, and is fully willing to abide by any stringent conditions imposed by this Court.

6. The learned Additional Public Prosecutor vehemently opposed the bail application, characterizing the offence as a cold-blooded, brutal and premeditated murder falling under Sections-103(1) and 3(5) of the BNS. The prosecution highlighted that the petitioner is a notorious anti-social element and a gang leader who harbored a deep-seated grudge against the deceased because the deceased stood as a witness against him in a previous assault case, namely Town P.S. Case No.271/2025. Attention is drawn to the statements of direct eyewitnesses recorded under Section- 180 of the BNSS, who explicitly attribute the fatal, forceful blow on the victim's head by the petitioner using a deadly weapon. The prosecution

further contended that the weapon of offence was directly recovered and seized based on the voluntary disclosure statement and confession of the petitioner himself. Given the petitioner's criminal history, local influence, and the involvement of several juvenile co-accused (Children in Conflict with Law) in the crime, his release at this critical juncture would create a severe threat of witness tampering, intimidation of the informant and a breach of public peace.

7. Having heard the detailed submissions from both parties and upon a careful perusal of the case diary, statements of witnesses, and the preliminary charge-sheet, this Court finds no compelling ground to exercise its discretion in favour of the petitioner. There is a clear and strong *prima facie* case established against the petitioner, heavily supported by consistent eyewitness accounts recorded under Section-180 of the BNSS, which describe his direct, leading role in forming an unlawful assembly and executing a brutal daylight assault. The physical and circumstantial evidence, including the recovery of the suspected blood-stained weapon at the petitioner's instance and the seizure of blood-stained materials from the scene of crime, strongly implicates him. The mere fact that the final post-mortem report is pending due to administrative delays does not dilute the gravity of the offence or the severity of the statutory punishment prescribed under Section -103(1) of the BNS for an act that resulted in the tragic

loss of human life.

8. Considering the petitioner's past criminal history, his documented position as a gang leader, the open status of the investigation, and the reasonable apprehension of witness intimidation and tampering with pending forensic clues, this Court is of the firm opinion that granting bail at this stage would seriously jeopardize the trial. Accordingly, the bail application stands rejected.

A free copy of this order be supplied to the petitioner upon proper application.

The Lower Court Records (LCR) along with a copy of this order be transmitted to the Court of the learned SDJM, Balasore, forthwith for information and necessary action.

Special Judge (Vigilance), Balasore