



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.245 of 2026

Narayan Nahak

...

Petitioner

Mr. D. Sarangi, Advocate

-versus-

State of Odisha

...

Opposite Party

Mr. R.B. Mishra, Addl. PP

CORAM: JUSTICE G. SATAPATHY

ORDER(ORAL)

24.02.2026

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is the 2nd successive bail application U/S.483 of the BNSS by the petitioner for grant of bail in connection with Polasara P.S. Case No.152 of 2016 corresponding to S.T. Case No.06 of 2017(A) pending in the Court of learned Addl. Sessions Judge, Kodala, for commission of offence punishable U/Ss.302/34 of IPC, on the main allegation of committing murder of one Kamala Swain by assaulting her mercilessly by means of iron rod, along with co-accused persons.
3. In the course of hearing, Mr. Debasis Sarangi, learned counsel for the petitioner while not concealing anything submits that although the petitioner was granted interim bail, but under compelling circumstance, he could not surrender in due time, rather he surrendered after some days and thereby, the default of the petitioner should not be taken into



consideration. Mr. Sarangi further submits that co-accused persons standing on similar footing have already been granted bail, but the petitioner is in custody for a cumulative period of six years and therefore, in this circumstance, the petitioner may kindly be granted bail.

4. On the other hand, Mr. R.B. Mishra, learned Addl. PP, however, submits that since the petitioner's conduct is not inspiring, his bail application may kindly be rejected.

5. After having considered the rival submissions upon perusal of record, there appears allegation against the petitioner for assaulting the deceased along with co-accused persons by means of iron rod, but it is not disputed that the petitioner is in custody for around six years as per the submission as advanced for the petitioner, however, it is equally not disputed that the petitioner was granted interim bail and was released from custody on 13.05.2022, but he remained absconded for around three years. The paramount consideration in granting bail is securing attendance of the accused at the trial, but the conduct of the petitioner in this case does not justify his release on bail, more particularly when the trial has suffered for around three years for the laches of the petitioner. In view of the aforesaid circumstances and taking into



consideration the nature and gravity of the offences as alleged against the petitioner vis-à-vis the accusations sought to be brought against him and regard being had to the materials placed on record and the conduct of the petitioner in misusing the liberty, this Court is not inclined to grant bail to the petitioner.

Hence the bail application of the petitioner stands rejected. Accordingly, the BLAPL stands disposed of. A soft copy of this order be immediately transmitted to the Court in seisin over the matter for reference.

(G. Satapathy)
Judge

S.Sasmal