



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3796 of 2026

Prakash Naik *Petitioner(s)*
Mr. Akshaya Kumar Nayak, Adv.
-versus-
State of Odisha *Opposite Party(s)*
Miss Gayatri Patra, ASC

CORAM:
HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

Order No.

ORDER

01.

06.05.2026

F.I.R. No.	Dated	Police Station	Case No. and Courts' Name	Sections
0138	05.10.2023	Gurudijhatia	S.T. Case No.34 of 2024 arising out of Gurudijhatia P.S. Case No.138 of 2023 pending before the Court of learned Additional District & Sessions Judge, Athagarh	Section 302 of the I.P.C

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. The Petitioner being in custody in connection with S.T. Case No.34 of 2024 arising out of Gurudijhatia P.S. Case No.138 of 2023 pending before the Court of learned Additional District & Sessions Judge, Athagarh registered for the alleged commission of offences under

Signature Not Verified

Digitally Signed
Signed by: AYASKANTA JENA
Designation: Personal Assistant
Reason: Authentication
Location: High Court of Orissa
Date: 08-May-2026 19:18:55





Section 302 of the I.P.C, has filed this application for his release on bail.

4. The brief fact of the case is that in the night of 04.10.2023 while the younger brother of the informant was sleeping in his house, somebody had committed his murder. Soon after the said occurrence, an F.I.R was lodged in the local Police Station. Accordingly, upon completion of investigation the Petitioner was taken into custody. The Petitioner has been languishing in custody since 10.10.2023.
5. Learned counsel for the Petitioner contends that the Petitioner has never committed the murder of the younger brother of the informant, nor had he ever given any threatening to him. The Petitioner is no way connected to the offences alleged against him. He has been falsely implicated in this case. He, accordingly, prays for permitting the Petitioner to be released on bail.
6. Learned counsel for the State vehemently opposes the prayer for bail of the present Petitioner. She further submits that such type of offences is not tolerable in a law abiding society. She also contends that out of 30 charge-sheeted witnesses 20 witnesses have already been examined and examination of rest of the witnesses

Signature Not Verified

Digitally Signed
Signed by: AYASKANTA JENA
Designation: Personal Assistant
Reason: Authentication
Location: High Court of Orissa
Date: 08-May-2026 19:18:55





is going to be completed soon. She, accordingly, prays for dismissal of this BLAPL.

7. Considering the submissions made on behalf of both the parties, this Court is of the view that the Petitioner's involvement, whether direct or peripheral, warrants full scrutiny at trial. Granting bail at this stage would risk a premature assessment of facts, which this Court is not inclined to undertake. It also appears that trial is at fag end. Therefore, looking to the nature and gravity of the accusation, character of evidence appearing against the Petitioner and the stringent punishment prescribed, this Court is of the view that there are no reasonable grounds to believe that the Petitioner has no role in the offence alleged or not likely to commit any such offence. The prayer for bail being devoid of any merit stands rejected. However, the trial Court is directed to conclude the trial at the earliest possible.

8. Accordingly, the BLAPL is dismissed.

(Dr. Sanjeeb K Panigrahi)
Judge

Ayaskanta

Signature Not Verified

Digitally Signed
Signed by: AYASKANTA JENA
Designation: Personal Assistant
Reason: Authentication
Location: High Court of Orissa
Date: 08-May-2026 19:18:55

