



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.1436 of 2026

(In the matter of application under Section 483 of BNSS).

Rudra Narayan Mishra ... **Petitioner**

-versus-

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

For Petitioner : **Mr. D. Nayak, Sr. Advocate**
along with Ms. A. Mishra,
Advocate

For Opposite Party : **Mr. S.C. Pradhan, Addl. PP**
Mr.B.R.Mohanty, Advocate for
informant

CORAM:
JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:24.03.2026(ORAL)

G. Satapathy, J.

1. This is an application U/S.483 of BNSS by the petitioner for grant of bail in connection with Keonjha Town PS Case No.974 of 2025 corresponding to GR Case No.2184 of 2025 pending in the file of learned SDJM, Keonjhar being charge sheeted for commission of offence punishable U/S.108 of the BNS.



2. The present case against the Petitioner arises out of an FIR in which it is alleged against the Petitioner for remaining with the deceased in a relationship and on the relevant date, the informant received a phone call from one Mobile No. 700892252 stating himself to be Lecturer of the College of the deceased to inform him that the deceased had suddenly fallen down and shifted to DHH, Keonjhar. Accordingly, the informant who is the uncle of the deceased rushed to the Hospital only to find the dead body of the deceased with cut mark at neck. It is alleged that the Petitioner had committed murder of the deceased as he was threatening to kill the deceased.

On this incident, FIR was lodged and basing on such FIR, Keonjhar Town PS Case No. 974 of 2025 was registered and the Petitioner was forwarded to the Court for commission of offence punishable offence U/S. 103 of BNS, but subsequently, after conclusion of investigation, charge sheet was submitted against the Petitioner for commission of offence U/S. 108 of BNS.



3. In the course of hearing, Mr. Dharanidhar Nayak, learned Sr. counsel who is being assisted by Ms. Anwasha Nayak, learned counsel for the Petitioner submits that the Petitioner is a lawyer, but he has been falsely implicated in this case and even if the materials are taken into consideration, since the Petitioner has been charge sheeted for 108 of BNS, but he having not abetted commission of suicide, the Petitioner can be considered for grant of bail. Mr. Nayak further submits that since the investigation has been completed awaiting trial, it is for the Court to decide as to whether the Petitioner would be released on bail or he would be kept in confinement till conclusion of trial. It is also submitted by Mr. Nayak that bail being the rule, the Petitioner should not be detained in custody and bail should not be withheld to him as a pre trial punishment. Mr. Nayak further submits that although the Petitioner and the deceased were staying together in a live-in relationship, but the commission of suicide by the deceased is beyond the knowledge and control of the Petitioner and thereby, the Petitioner being an



innocent lawyer, he should not be detained further in custody. Mr. Nayak further by relying upon the decision in ***Prakash and others Vrs. State of Maharashtra and another; 2024 INSC 1020*** submits that the Petitioner in this case has neither any intention to instigate nor aid or abet the deceased to commit suicide, but the Investigating Agency has failed to reveal any prima facie case against the Petitioner for commission of offence U/S. 108 of BNS and, therefore, the further detention of the Petitioner in custody is unwarranted and the Apex Court in similar circumstance has quashed the charge framed against the appellant in relied on case. On the aforesaid submission, Mr. Nayak prays to grant bail to the Petitioner.

3.1. On the contrary, Mr. Bibhuti Ranjan Mohanty, learned counsel for the informant submits that not only the Petitioner is prima facie involved in this case, but also the deceased had sustained around eight injuries on her person and the Petitioner being the author of such injuries, the Petitioner should not be



extended with any leniency in the form of bail. Mr. Mohanty accordingly, by inviting attention of the Court to the PM report prays to reject the bail application of the Petitioner.

3.2. In the same fashion, Mr. S.C. Pradhan, learned Addl. PP by drawing attention of the Court to the statement of the informant and other witnesses submits that not only the Petitioner is found to have assaulted the deceased, but also the Petitioner is the reason behind death of the deceased and the PM report revealing number of injuries on the person of the deceased and the Petitioner being prima facie found to have assaulted the deceased, the bail application of the Petitioner may kindly be rejected.

4. After having considered the rival submissions upon perusal of record, it appears that the uncle of the deceased has lodged an FIR alleging against the Petitioner for committing murder of the deceased and the PM report of the deceased reveals eight injuries on her person. The injuries detected on



the person of the deceased as described in the PM report are extracted as under:-

"(i) There is a faint non-continuous patchy reddish brown pressure abrasion of total length 12 cm present on right antero-lateral neck of deceased in oblique manner it is deficient on left half of neck. It is situated above the thyroid cartilage level and passes about 7 cm below right angle of mandible Then gradually fades at nape of neck and at mid line at front of neck respectively Maximum width is 2 cm at right antero lateral neck;

(ii) There are 05 nos. of scratch abrasion of length varies from 2-5 cm present obliquely on left anterior neck. They appear reddish-brown in color;

(iii) There is an oval shaped contusion of size 3 cm x 2 cm present on upper inner quadrant of right-side breast located about 6 cm right to midline of chest;

(iv) Imprint abrasion of length 9 cm x 0.5 cm present on left upper chest horizontally overlapping the left clavicle bone;

(v) The thenar eminence of both side palms are contused;

(vi) Contusion of 1 cm x 1 cm present on inner aspect of left upper arm;

(vii) Contusion of 2 cm x 1.5 cm present on outer aspect of right upper thigh;

(viii) Contusion of 1 cm x 1 cm present on dorsal aspect of right forearm"

5. No doubt, it is stated in the charge sheet that the IO made further query to the Autopsy Conducting Doctor on receipt of the CE report only to find out the



opinion of autopsy surgeon as to cause of death of the deceased to be on account of asphyxia and venous congestion resulting from hanging, but it is found from the Case Diary that the IO has sought for opinion to query from Dr. Sunil Kumar Murmu, Associate Professor Department of Forensic Medicine & Toxicology, Dharanidhar Medical College & Hospital regarding cause of death of the deceased, however, such final opinion report is not available on record. Besides, the charge sheet discloses that the external injuries under (ii) to (viii) as stated in PM report are suggestive of physical assault. It is also found from the Case Diary that the CCTV installed in the spot house in question was switched off during the time of occurrence with all previous recording available in the DVR raising prima facie suspicion against the petitioner. The seizure list also indicates recovery of three broken parts of the mobile phone from the dustbin of the room. No doubt, the Petitioner has relied upon the decision in ***Prakash and others(supra)***, but on a respectful consideration of the same, it is found distinguishable from the facts



of the present case inasmuch as the relied on decision was rendered against the order passed by the learned trial Court refusing to discharge the accused and the deceased therein had not sustained number of injuries as in this case. True it is that, detail and meticulous analysis of evidence and elaborate documentation on merit should be avoided at the stage of consideration of bail to the applicant, however, the Court has to consider prima facie materials.

6. In the aforesaid facts and situation, especially when the deceased was stated to be residing with the Petitioner in a live-in relationship and she was taken to Hospital with number of injuries detected on her person and the Petitioner having allegedly residing with the deceased in the same house with the CCTV of the said house being switched off at the relevant time of occurrence and final opinion regarding the cause of death of the deceased having not yet been obtained from the Associate Professor, it cannot be said that there is no prima facie case against the Petitioner at this stage. On a careful consideration of the materials



placed on record raises not only prima facie, but also reasonable allegation against the Petitioner and the allegation raised against the Petitioner being not for any trivial allegation and the same being related to death of a young woman and the said woman allegedly being found in live-in relationship with the Petitioner and the deceased having been found with the number of injuries on different parts of the body and there being allegation of the deceased and the Petitioner residing together in the said house just before she was brought dead to the Hospital, this Court does not consider it proper to grant bail to the Petitioner at this stage.

Hence, the bail application of the petitioner stand rejected. Accordingly, the BLAPL stands disposed of. A soft copy of this order be immediately transmitted to the learned trial Court.

(G. Satapathy)
Judge