



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.3155 of 2026

Birendra Mallik @ Mallick

.....

Petitioner

Represented by Adv. -
Suryakanta Dwibedi

-versus-

State of Odisha

.....

Opposite Party

Represented by Adv. -
Smt. S.Nayak, A.S.C.

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA

ORDER

Order No.

05.05.2026

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel for the State.
 3. This is an application under Section 483 of the B.N.S.S. filed by the Petitioner for bail in connection with Baliguda P.S case No.57 of 2026 corresponding to C.T Case No.94 of 2026 pending in the Court of the learned S.D.J.M., Balliguda for alleged commission of offence under Section 331(34)/309(6) of the B.N.S.
 4. Learned counsel for the Petitioner submits that earlier this matter was not before any other Bench of this Court. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 23.02.2026. He further submitted that, as per the



prosecution allegation, the Petitioner was caught at the spot while the other co-accused persons fled away from the place. Learned counsel for the Petitioner further submitted that the Petitioner had accompanied the other co-accused persons at their instance. It has also been contended that, in the meantime, the investigation has been concluded and final charge sheet has been filed on 25.04.2026. Learned counsel for the petitioner submitted that the Petitioner does not have any criminal antecedent and that he belongs to the locality, therefore there is no chance of his absconding. In such view of the matter, learned counsel for the Petitioner submitted that the Petitioner be released on bail on such terms and conditions as this Court deems fit and proper in the facts and circumstances of the case.

5. Learned Additional Standing Counsel on the other hand opposed the bail application of the Petitioner on the ground that in the event the Petitioner is released on bail, there is a possibility that he might indulge in similar criminal offences. Accordingly, it was prayed that the bail application of the Petitioner be rejected at this juncture.

6. Having heard learned counsel for the respective parties and on careful consideration of the surrounding facts as well as materials on record, further taking into consideration the period of detention, this Court is inclined to release the Petitioner on bail on furnishing a bail bond of Rs.40,000/- (Rupees forty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter.

Violation of any of the terms and conditions shall entail cancellation of bail.



7. It is further directed that the bail granted to the Petitioner shall be subject to the verification of his criminal antecedent. In the event, the Petitioner is having any criminal antecedent, then this order shall stand automatically revoked.
8. BLAPL is accordingly disposed of.
9. Issue urgent certified copy as per Rules.

(A.K. Mohapatra)

Judge

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