



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3820 of 2026

Prakash Mallick @

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....

Petitioner(s)

Mr. Binaya Kumar Mohanty, Adv.

-versus-

State of Odisha

....

Opposite Party(s)

Mr. Tej Kumar, ASC

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

Order No.

01.

ORDER

06.05.2026

F.I.R. No.	Dated	Police Station	Case No. and Courts' Name	Sections
77	20.02.2026	Ersama	G.R. Case No.141 of 2026, J.M.F.C., Ersama	318(4)/74/115(2)/296/351(2)/69/61(1)/3(5) of the BNS

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the Parties.
3. The Petitioner, being in custody in connection with Ersama P.S. Case No.77 dated 20.02.2026, corresponding to G.R. Case No.141 of 2026, pending in the Court of learned J.M.F.C., Ersama, registered for the alleged commission of offences under Sections 318(4)/74/115(2)/296/351(2)/69/61(1)/3(5) of the BNS, has filed this petition for his release on bail.



4. The prosecution case, in brief, is that the Petitioner and the informant were in a long-standing relationship of approximately five years, known to their families. It is alleged that the Petitioner induced the informant to part with a total sum of ₹9 lakhs on the assurance of marriage and construction of a house and later defaulted in repayment and severed communication. Allegations further include that upon visiting Goa, the informant was assaulted and threatened by the Petitioner and others.

5. Learned counsel for the Petitioner submits that the relationship was consensual and that monetary transactions were voluntary contributions towards proposed matrimonial life and related expenses. It is further contended that substantial amounts have already been refunded. It is also submitted that the Petitioner is in judicial custody since 04.03.2026, investigation has substantially progressed and there is no likelihood of tampering with evidence or absconding.

6. Learned counsel for the State vehemently opposes the prayer for bail contending that the allegations disclose a *prima facie* case of cheating on the false promise of marriage. Reliance is placed upon the statement of the victim recorded under Section 180 of the BNSS and it is submitted that the gravity of the offence and the manner of inducement disentitle the Petitioner to bail.



7. The allegations primarily arise out of a relationship which, according to both sides, was consensual in nature and continued for a considerable period. The dispute essentially revolves around the nature of financial transactions and the alleged promise of marriage.

8. At this stage, it appears that the investigation has substantially progressed and the Petitioner is in custody since 04.03.2026. There is nothing on record to indicate that custodial interrogation is required any further. The apprehension of tampering with evidence can be addressed by imposing appropriate conditions.

9. Without expressing any opinion on the merits of the case, and considering the nature of allegations, period of custody, stage of investigation and the fact that trial is likely to take time, this Court is of the view that further pre-trial detention of the Petitioner is not warranted.

10. Accordingly, the bail application is allowed.

11. The Petitioner is directed to be released on bail in the aforesaid case on such terms and conditions to the satisfaction of the trial Court, including the following conditions:

- i.* The Petitioner shall not leave the jurisdiction of the Court without prior permission;
- ii.* The Petitioner shall cooperate with the investigation/trial and appear on all dates;



iii. The Petitioner shall not directly or indirectly influence, threaten, or contact the informant or witnesses;

iv. The Petitioner shall not commit any similar offence while on bail;

12. In case of violation of any of the above conditions, the prosecution shall be at liberty to seek cancellation of bail.

13. It is made clear that the observations herein are only for the purpose of deciding the bail application and shall not influence the trial in any manner.

14. The BLAPL stands disposed of.

15. Issue urgent certified copy of this order as per Rules.

(Dr. Sanjeeb K Panigrahi)
Judge