



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5034 of 2026

CNR No. ODHCO10378472026

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

Karnat Keshari Das ... ***Petitioner***

-versus-

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

For Petitioner : ***Mr. D. Das, Advocate***

For Opposite Party : ***Mr. M.R. Patra, Addl. PP***
Mr. D.D. Nayak, Sr.
Advocate, along with Ms. B.
Mishra, Advocate

CORAM:

JUSTICE G. SATAPATHY

DATE OF HEARING & DATE OF JUDGMENT:17.08.2026 (ORAL)

G. Satapathy, J.

1. This is a bail application U/S.483 of BNSS by the petitioner for grant of bail in connection with Jajpur PS Case No.381 of 2024 corresponding to CT Case No.2548 of 2024 pending in the Court of learned SDJM, Jajpur for commission of offences punishable under Sections 319(2)/ 318(4)/ 336(2)/ 338 /342/ 351(1)/3(5) of BNS, on the main allegation of deceiving the informant for a sum of Rs.22,00,000/-, along



with co-accused persons relating to unauthorized sale of piece of land belonging to the informant by impersonation and committing fraud.

2. In the course of hearing, Mr. Debasnan Das, learned counsel for the petitioner without disputing about the facts of the case submits that although charge was framed against the petitioner on 05.01.2026 and the first date fixed for taking evidence being 17.01.2026, but trial having not yet been concluded even after more than seven months, which is contrary to the provision of Sec.480(6) BNSS as it prescribes that the accused would have a right for grant of bail, if the trial is not concluded within sixty days from the first date fixed for taking evidence and thereby, the petitioner is entitled to bail on that score.

2.1 On the other hand, Mr. Dharanidhar Nayak, learned Sr. counsel who is being assisted by Ms. Bini Mishra, learned counsel for the informant submits that since the bail application of the petitioner was rejected which was confirmed by the Apex Court with dismissal of SLP and thereby, grant of bail to the petitioner on merit stands foreclosed and co-accused Dipak Kumar Jena having subsequently arrested on the strength of NBWA during the pendency of the application



for cancellation of bail, the progress of trial would definitely hamper and linger, if the present petitioner would be granted bail, because in that event, he would not attend the Court and the delay attributable to the petitioner should not enure to his benefit. Mr. Nayak further submits that the non-examination of the witness by the defence itself is palpable from the examination-chief of PWs. 1 & 4 and thereby, granting bail to the petitioner at this stage would definitely cause serious prejudice to the informant/victim who is not likely to depose evidence in a free and fair manner. Accordingly, Mr. Nayak prays to reject the bail application of the petitioner.

2.1. On the other hand, Mr. M.R. Patra, learned Addl. PP, by placing the charge-sheet submits that there is allegation against the petitioner for receiving Rs.5,00,000/- in his own name and transfer of Rs.50,000/- through PhonePe twice from the account of another making the total amount received by the petitioner to be Rs.6,00,000/- and he having been prima facie involved in this case, his bail application may kindly be rejected.

3. After having considered the rival submissions upon perusal of record, it appears that the petitioner is in custody since 17.03.2025, but the trial is yet to be concluded,



however, the first witness PW.1 was examined on 09.02.2026, whereas the witness that was last examined in this case as on today is PW.4 who was examined on 07.08.2026. Sec.480 (6) of BNSS prescribes that:- if, in any case triable by a Magistrate, the trial of a person accused of any non-bailable offence is not concluded within a period of sixty days from the first date fixed for taking evidence in the case, such person shall, if he is in custody during the whole of the said period, be released on bail to the satisfaction of the Magistrate, unless for reasons to be recorded in writing, the Magistrate otherwise directs. The aforesaid provision is of course not mandatory, rather discretionary, but such discretion is placed in higher pedestal and this Court is firmly in agreement with Mr. Dharanidhar Nayak that it is not an absolute right of an accused to be granted bail under this provision. Mr. Nayak has also produced the order passed by a Co-ordinate Bench of this Court in BLAPL No.3590 of 2016 to say that this is not an absolute right, but this Court has no hesitation to agree with such proposition, however, this Court being firm believer of personal liberty of a person is of the considered opinion that where the personal liberty of the person is in question, the Court should be lenient and inclined to interpret the provision



of law towards securing the personal liberty of a accused persons and it should not to interpret law against the personal liberty of a person. Further, the legislation and intention of Sec.480(6) of BNSS is for the main purpose and object to secure the personal liberty of a person accused of the offence. In this case, the petitioner has already remained in custody for near about one year and eight months and the magistrate is competent to impose maximum punishment of three years. In the aforesaid facts and situation, especially when the trial is not likely to be concluded in near future and the abscondence of the co-accused being not a ground to refuse bail to the petitioner, this Court without expressing any view on merit admits the petitioner to bail, but subject to certain conditions.

Hence, the bail application of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-Five) only with one solvent surety for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it with following conditions: -

(i) The petitioner shall not leave the country without prior permission of the trial Court;



(ii) the petitioner in the course of trial shall attend the trial Court on each date of posting without fail unless his attendance is dispensed with. **In case the Petitioner fails without sufficient cause to appear in the Court in accordance with the terms of the bail, the learned trial Court may proceed against the Petitioner for offence U/S.269 of BNS, 2023 in accordance with law;**

(iii) the petitioner shall not contact the informant or his family members; and

(iv) The petitioner shall not threaten/ influence/ induce/ coerce any of the witnesses acquainted with the facts of the case so as to dissuade them disclosing such facts before the Court.

4. Accordingly, the BLAPL stands disposed of. A soft copy of this order be immediately communicated to the concerned Court, who shall afterwards communicate the same to the concerned Jail through e-mail for reference.

(G. Satapathy)
Judge

*Orissa High Court, Cuttack,
Dated the 17th Day of August, of 2026/ Jayakrushna*