



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.5130 of 2026

Rocky Mallia @ Akash Deep ... **Petitioner**
Mallia @ Mohapatra

Mr. A. Mishra, Advocate

-versus-

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

Mr. T.K. Acharya, Addl. PP

CORAM: JUSTICE G. SATAPATHY

ORDER(ORAL): 09.07.2026

Order No.

01.

1. This is a bail application U/S.483 of BNSS by the petitioner for grant of bail in connection with Air Field PS Case No.01 of 2022 corresponding to CT Case No.148 of 2026 pending in the file of learned 3rd Addl. Sessions Judge, Bhubaneswar for commission of offences punishable U/Ss.20(b)(ii)(C)/25/29 of the NDPS Act, on the main allegation of committing murder of Deepak Routray by assaulting him with sharp cutting weapon, along with co-accused persons in furtherance of their common intention.

2. Mr. Arijeet Mishra, learned counsel for the Petitioner submits that co-accused standing on similar footing has already been granted bail, but the present Petitioner is in custody and the informant in this case has not testified against the Petitioner and, therefore, the Petitioner may kindly be granted bail.

2.1. On the other hand, Mr. T.K.Acharya, learned Addl. PP submits that the Petitioner cannot be equated with co-accused released on bail since the Petitioner has absconded immediately after the occurrence and he has very recently been taken into custody on 11.05.2026 and,



therefore, the bail application of the Petitioner may kindly be rejected.

3. After having considered the rival submissions upon perusal of record, there appears allegation against the Petitioner for committing murder of the deceased, along with co-accused persons. No doubt co-accused persons have been granted bail, but the said co-accused persons have never absconded or avoided the process of trial/investigation, however, the present case was registered on 01.01.2022, but charge sheet was filed by showing the Petitioner as an absconder and the Petitioner was apprehended on 11.05.2026 and there are seven eye witnesses to the occurrence and such witnesses have uttered the name of the Petitioner in their statement. It is in fact true that the learned counsel for the Petitioner has produced the evidence of eye witnesses, but the eye witnesses have been examined in CT Case No. 99 of 2022 which is the original case of the present split up case in CT Case No. 148 of 2026 in which the Petitioner is facing trial and thereby, the evidence of the witnesses recorded in another proceeding is not relevant in this case. In such circumstance, the petitioner cannot be equated with the co-accused released on bail. In the present scenario and circumstances and taking into consideration the nature and gravity of the offences as alleged against the petitioner vis-à-vis the accusations sought to be brought against him and regard being had to the materials placed on record and the seven eye witnesses to the occurrence having not yet been



examined in the trial qua the Petitioner, this Court is not inclined to grant bail to the Petitioner.

4. Hence, the bail application of the petitioner stands rejected. Accordingly, the BLAPL stands disposed of. A soft copy of this order be immediately transmitted to the learned Court in seisin over the matter.

(G. Satapathy)
Judge

Priyajit