



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.5922 of 2026

Ajay Das

...

Petitioner

Mr. S. Sahu, Advocate

-versus-

State of Odisha

...

Opposite Party

Mr. T.K.Acharya, Addl. PP

Mr. S.K.Nayak, Advocate for the informant

CORAM: JUSTICE G. SATAPATHY

ORDER(ORAL):01.07.2026

Order No.
02.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is a bail application U/S.483 of BNSS by the petitioner for grant of bail in connection with Bansada PS Case No.87 of 2026 corresponding to Spl. (SC/ST) Case No.29 of 2026 pending in the file of learned District & Sessions Judge-cum-Special Judge, Bhadrak, for commission of offences punishable U/Ss.126(2)/296/117(2)/109/351(3) of BNS and Sections 3(1)(r)/3(1)(s)/3(2)(va) of SC & ST (POA) Act, 1989, on the main allegation of attempting to take away the life of the injured by assaulting him with deadly weapons, along with co-accused persons.
3. In course of hearing, Mr. S.Sahu, learned counsel for the petitioner submits that although there is allegation against the petitioner for attempting to commit murder of the injured, but the main allegation is against Bandhan Das, who has already been granted bail, however, the bail application of the petitioner has been refused by the learned Sessions Judge, since the petitioner is having criminal antecedents. Mr. Sahu further submits that the



injury sustained by the injured appears to be not on vital part and, therefore, the petitioner having detained in custody may kindly be granted bail.

4. On the other hand, Mr. T.K.Acharya, learned Additional Public Prosecutor by highlighting the criminal antecedents of the petitioner prays to reject the bail application of the petitioner. Mr. S.K.Nayak, learned counsel, who enters appearance for the informant in Court today by filing Vakalatnama, which is taken on record, also prays to reject the bail application of the petitioner.

5. After having considered the rival submissions upon perusal of the record, it appears that although the petitioner is having some criminal antecedents, but the details of such criminal antecedents have not been disclosed by the petitioner in his bail application, rather he has disclosed the following in Paragraph-7 of his bail application:-

*"That the accused/petitioner has been in the jail custody since dt-02.04.2026 without having any fault of his own. It is submitted that the rejection of the bail of the Petitioner by the learned Special Judge on the ground of existence of **thirteen Criminal Antecedents is completely illegal as no grievous offence is alleged against the Petitioner** and he is arrayed as accused only in petty offences. It is further submitted that the Petitioner has been released on bail in all the pending criminal cases, thus rejection of bail only on the ground of antecedents when there is no direct allegation against the Petitioner in the FIR is unsustainable in law."*



6. In the context of criminal antecedent, this Court feels it proper to refer to the decision in ***Munnesh Vrs. State of Uttar Pradesh; 2025 SCC OnLine SC 1319***, wherein the Apex Court at paragraph-9 has held as under:-

"9. Xxx xxx xxx, since the petitioner has suppressed material facts with regard to his involvement in criminal cases, he is not entitled to the discretionary relief of bail. Xxx xxx xxx".

Similar is the position of law as laid down by the apex Court in ***Zeba Khan Vrs. State of UP and others; 2026 SCC OnLine 188***, wherein it has been made mandatory for the accused to disclose the details of his criminal antecedents. In this case, the petitioner has not disclosed the details of his criminal antecedents, and therefore, this Court considers the same to be a material suppression. In view of the aforesaid facts and failure of the petitioner to disclose the criminal antecedents, this Court is not inclined to admit the petitioner to bail.

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

(G. Satapathy)
Judge

Manoj