



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11494 of 2025

(In the matter of application under Section 483 of the BNSS, 2023).

Soumya Sankar Chakra ... Petitioner
@ Raja

-versus-

State of Odisha ... Opposite Party

For Petitioner : **Mr. A.N. Das, Sr.**
Advocate along with Mr.
A. Mohanty, Advocate

For Opposite Party : **Mr. P.S. Nayak, Special**
engaged Counsel for the
State

CORAM:

JUSTICE G. SATAPATHY

DATE OF HEARING & DATE OF JUDGMENT:25.02.2026 (ORAL)

G. Satapathy, J.

1. This is the bail application U/S.483 of the BNSS by the petitioner for grant of bail in connection with Keonjhar Sadar P.S. Case No.184 of 2025 corresponding to CID, CB P.S. Case No.3 of 2025 pending in the Court of learned S.D.J.M., Keonjhar, for commission of offence punishable U/Ss. 294/506/307/420/467/468/471/120-B/384 of IPC r/w Sec.25/27 of Arms Act.



2. The gist of the allegation against the petitioner in this case is that in the year 2018, the complainant purchased a TATA loader machine from the petitioner at a negotiated price of Rs.20,50,000/- and thereafter, engaged such loader machine in Gandhamardan Mining Society for transportation of mines on a negotiated price, but he was initially paid with the hire charges for the loader machine from the society, but subsequently he was not paid with the hire charges, when the petitioner illegally took over the management of the loader machine and transferred the said loader machine to the name of his employee Jyoti Ranjan Mishra by forging signatures, but when the complainant demanded his money, he was threatened by the petitioner and was also assaulted and misbehaved. Further, the petitioner had also put the complainant in fear of death by showing fire arms and continued to misappropriate the amount so earned from the loader machine.

On this fact, the complainant-informant lodged an FIR on 26.04.2025 resulting in remand of the petitioner on 24.05.2025, but subsequently when the



bail application of the petitioner was came to be rejected by the learned Sessions Judge, he approached this Court in this bail application.

3. In the course of hearing, Mr. Aditya Narayan Das, learned Senior Counsel, who is being assisted by Mr. Adhiraj Mohanty, learned counsel for the petitioner submits that the allegation against the petitioner is unfounded and false, but in order to put the petitioner behind bar, a manufactured case has been registered against him and that too, for a cause of action of eight years before and the petitioner although is having some criminal antecedents, but he is no way connected in the commission of the crime in this case and he having been released on bail in all the criminal, except three cases and thereby, the present petitioner may kindly be granted bail, more particularly when no case is made out against him.

3.1. On the other hand, Mr. Partha Sarathi Nayak, learned Specially engaged counsel for the State, however, strongly opposes the bail application of the petitioner by contending *inter alia* that the offence



alleged against the petitioner is a continuing one and there is no question of lodging of FIR after eight years of the occurrence, rather the complainant being harassed and tortured finally got some opportunity to approach the Law Enforcing Agency after arrest of the petitioner in other cases and, thereby, the complainant's allegation is prima facie based on materials on record and the petitioner has been rightly taken into custody in this case. Mr. Nayak further submits that the petitioner has in fact concealed his one ED case and he having concealed his criminal antecedent, the petitioner does not deserve to be released on bail. Accordingly, Mr. Nayak prays to reject the bail application of the petitioner.

4. After having considered the rival submission upon perusal of record, there appears allegation against the petitioner for a matter relating to eight years back which is of course stated to be a continuing offence, but so far allegation against the petitioner for committing forgery in selling the TATA loader machine of the complainant, is yet to be ascertained as per the



preliminary charge sheet submitted by the IO. Further, the petitioner is in custody since 24.05.2025 and in the meantime, charge sheet has already been submitted. Besides, co-accused namely Utkal Das in BLAPL No. 7009 of 2025 and Manas Ranjan Barik in BLAPL No. 7440 of 2025 have already been granted bail by this Court. No doubt the petitioner is having some criminal antecedent, but it is undisputed that he is on bail in majority of the cases. Bail to a person cannot and should not be refused merely because there is criminal cases registered against him, but the prime consideration in granting bail is securing attendance of the accused at the trial. The prosecution in fact has not produced any material to show that the petitioner would avoid trial in case of his being released on bail.

5. In view of the aforesaid facts and circumstances and taking into consideration the nature and gravity of the offences as alleged against the petitioner vis-à-vis the accusation sought to be brought against him and regard being had to the grant of bail to the co-accused persons and taking into account the



other circumstances on record in entirety including the inherent right of the accused to be presumed innocent until proven guilty at the trial and bail being the rule and jail being the exception, this Court without expressing any view on merits, admits the petitioner to bail, but subject to certain conditions.

6. Hence, the bail application of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) only with two solvent sureties each 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 condition:-

- (i) the petitioner shall not contact the informant or any of the witnesses to influence them,*
- (ii) the petitioner shall not threaten, induce or coerce any of the witnesses including the family members of the informant acquainted with the facts of the case so as to dissuade them from disclosing such facts before the Court,*
- (iii) 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 and shall cooperate with the trial. **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 BNSS in accordance with law,

(iv) the petitioner shall not leave the country without prior permission of the learned trial Court till disposal of the case and

(v) the Petitioner shall inform the Court as well as the Investigating Agency as to his place of residence during the trial by providing his mobile number(s), residential address, e-mail, if any, and other documents in support of proof of his residence. The Petitioner shall not change his address of residence without intimating to the Court and Investigating Agency.

(vi) the petitioner shall deposit his passport, if any, before the learned trial Court and in case he is not having any passport or the same is seized by the investigating officer, an affidavit shall be filed to that effect in the trial Court.

7. Accordingly, the BLAPL stands disposed of. A soft copy of this judgment 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 25th day of February, 2026/S.Sasmal*