



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.12096 of 2025

Itibrat Nath

...

Petitioner

Mr. D.K. Mohapatra, Advocate

-versus-

State of Odisha

...

Opposite Party

Mr. M.R. Patra, Addl. PP

Mr. B. Panigrahi, Advocate (informant)

CORAM: JUSTICE G. SATAPATHY

ORDER(ORAL)

25.02.2026

Order No.

06.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application U/S.483 of BNSS by the petitioner for grant of bail in connection with Jakhapura P.S. Case No. 134 of 2025 corresponding to C.T. Case No. 1480 of 2025 pending in the file of J.M.F.C., Jajpur for commission of offences punishable U/Ss. 316(4)/318(4)/336(3)/340(1)/61(2)/3(5) of BNS, on the main allegation of misappropriating the fund of the petrol pump of the complainant, along with co-accused persons in the capacity as Supervisor and Manager of such petrol pump in furtherance of their common intention.
3. Heard, Mr. Deepak Kumar Mohapatra, learned counsel for the petitioner, Mr. M.R. Patra, learned Addl. PP and Mr. Baibaswata Panigrahi, learned counsel for the informant in the matter and perused the record. At the outset, Mr. Panigrahi informs this Court by producing a document stated to be called as Memorandum of Understanding (MOU) that the private parties to the



present litigation have entered into a MOU, which they undertake to abide by.

4. Admittedly, co-accused Chandan Kumar Mishra, who being the Manger of the petrol pump and against whom there is allegation of misappropriation jointly with the present petitioner, has already been admitted to bail by an order of Apex Court in Criminal Appeal No. 479 of 2026. The Apex Court while confirming the order granting bail to the co-accused Chandan Kumar Mishra in the aforesaid criminal appeal has inter alia observed the following at paragraphs-5, 6, 7, 8 & 9 which reads as under:-

"5. It is not in dispute that the conditions stand fully complied with; the appellant has cooperated during the investigation; he has not threatened or intimidated any of the witnesses; or has tried to influence the investigation in any manner.

6. We have noticed the nature of crime and the manner in which it was allegedly committed.

7. It is not in dispute that the private parties to the present lis have entered into an amicable settlement which they undertake to abide by.

8. In view of the same and more so for the reasons emanating from the record, we allow the present appeal by confirming the order dated 13.11.2025, passed by this Court.

9. The impugned judgment and order dated 17.10.2025 passed by the High Court is set aside."

5. Admittedly, the petitioner is in custody since 18.10.2025, but in the meantime, charge sheet has already been submitted and there is in fact no material collected by the Investigating Agency to indicate that the



petitioner would abscond, if released on bail. Further, bail should not be withheld to an accused merely because a criminal case is registered against him nor should it be withheld as a pre-trial punishment, since bail is the rule, but jail is the exception. Besides, the tripod test is the real test before granting bail and in this case, it does not appear to this Court that the petitioner does not qualify the tripod test, since he is local man of Jakhapura Police Station and he has got fixed place of abode. Further, any apprehension of absconding can also be curbed by asking the petitioner to deposit his passport, if any, and if not, to swear an affidavit to that effect. In the aforesaid facts and situation, especially when bail of the co-accused has already been made absolute by the Apex Court in the Criminal Appeal and taking into account the pre-trial detention of the petitioner in custody with submission of charge sheet in the meantime, this Court without expressing any view on merit, admits the petitioner to bail.

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 in addition to the following one condition:

*(i) 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,

(ii) 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,

(iii) in case the Petitioner misuses the liberty of bail and in order to secure his presence, proclamation U/S.84 of BNSS, 2023 is issued and the Petitioner fails to appear before the Court on the date fixed in such proclamation, then, the learned trial Court is at liberty to initiate proceeding against him for offence U/S.209 of BNS, 2023 in accordance with law.

(iv) 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. Issue urgent certified copy of the order as per Rules. 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