



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 12823 of 2025

Samir Kumar Mishra

..... Petitioner(s)

*Mr. Dayananda Mohapatra, Sr. Adv.
along with Mr. G.R. Mohapatra, Adv.*

-versus-

State of Odisha

..... Opposite Party

Mr. Sonak Mishra, ASC

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

18.12.2025

Order No.

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F.I.R. No.	Dated	Police Station	Case No. and Courts' Name	Sections
222	22.05.2025	Golanthara	G.R. Case No.789 of 2025 pending in the court of learned J.M.F.C. (LR & LTV), Berhampur	Sections U/s.316(2)/316(4)/318(4)/340(2)/Ó36(3)/38(3) of BNS,

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the Parties.



3. The Petitioner being in custody in Golanthara P.S. Case No. 222 of 2025 corresponding to G.R. Case No.789 of 2025 pending in the court of learned J.M.F.C. (LR & LTV), Berhampur, registered for the alleged commission of offences under Sections under Sections 316(2)/ 316(4)/ 318(4)/ 340(2)/ 336(3)/ 338(3) of BNS, has filed this petition for his release on bail.
4. The brief fact of the case is that the Petitioner while working as Panchayat Executive Officer of village Keluapalli under Rangeilunda Block has allegedly drawn huge amount on different occasions. Even, as per the allegation, he made fake signatures of the Sarapanch of the said Gram Panchayat for the said purpose. Though he was directed to handover the charge to his successor to the office Sri Susanta Kumar Pattnaik, the accused/petitioner did not handover the complete charge. Even, he could not furnish the accounts details of "Haris Chandra Scheme, P.D.S, Pension etc." His successor to office informed such fact to the B.D.O, Rangeilunda in writing. Then, the B.D.O, Rangeilunda constituted a Block level committee comprising of Sandhya Rani Suaro, B.F.O, Rangeilunda block and Santosh Kumar Behera, G.D.P.O, Rangeilunda block. After the inquiry, the said block level committee submitted a report regarding



misappropriation of Rs.1,37,42,672.06 (Rupees one crore thirty seven lakhs forty two thousand six hundred seventy two and six paise) to the B.D.O, Rangeilunda block. On that basis, the B.D.O, Rangeilunda block lodged an F.I.R against the Petitioner before the Golanthara P.S vide Golanthara P.S. Case No.222 of 2025. Hence, this case.

5. Learned counsel for the Petitioner submits that the Petitioner has not done any financial irregularity as alleged by the informant. He further submits that on the basis of allegation made against the Petitioner, no audit was conducted in the office by an expert auditor and in absence of the same, the accusation of misappropriation of money has prima facie not been established. He further contends that no explanation was also sought for appertaining to expenditure of the alleged amount. He further states that the disputed signatures of the Sarapanch of Keluapalli G.P. were cleared by the bank without any detection of such forged signatures. The Petitioner is in custody since 25.05.2025. Hence, he submits that, the prayer of the present Petitioner may be allowed.
6. Learned counsel for the State vehemently opposes the prayer for bail, emphasizing the seriousness of the allegations.



7. Without delving into the intricacies of the case or the merits of the allegations, and in light of the facts and circumstances at hand, this Court is of the view that the petitioner should be granted bail by the learned court in *seisin* over the matter in the aforesaid case. However, such release shall be conditioned upon stringent terms and conditions, as the learned court deems fit and just with further condition that:-

- i. the Petitioners shall appear before the local Police Station on 1st Monday of every month between 10 A.M. to 1.00 P.M.
- ii. the petitioner shall not indulge himself in any criminal offence while on bail; and
- iii. the petitioner shall not tamper the evidence of the prosecution evidence in any manner.
- iv. The Petitioner shall plant 100 saplings of local varieties, such as mango, neem, tamarind, etc., around his village on Government land, community land, or private land in the possession of the petitioner or his family members. In the event that suitable land is unavailable, the Revenue Authority shall assist in identifying land for the plantation.

Violation of any of the above conditions shall entail cancellation of the bail.

8. The I.I.C. of the concerned police station, in coordination with the local Forest Officer, shall monitor whether the Petitioner has planted the saplings as required.



9. It is further directed that the Petitioner shall file an affidavit before the local police station, confirming that the saplings have been planted and that the petitioner will maintain those plants for a period of two years.
10. The District Nursery/District Forest Officer (D.F.O.) shall extend assistance to the petitioner by supplying the necessary saplings.
11. The BLAPL is, accordingly, disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge