



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.13337 of 2025

Giridhari @ Pandit Sahu ... ***Petitioner***

Mr. B.P. Tripathy, Sr. Advocate, along with
Mr. S.S. Panda, Advocate

-versus-

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

Mr. S.C. Pradhan, Addl. PP

CORAM:
JUSTICE G. SATAPATHY

ORDER(ORAL)
24.02.2026

Order No.
03.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is a bail application U/S.483 of the BNSS by the petitioner for grant of bail in connection with Kisinda PS Case No.20 of 2025 corresponding to GR Case No.174 of 2025 pending in the Court of learned ADJ, Rairakhol, Sambalpur for commission of offences punishable U/Ss. 103(1) of BNS, on the main allegation of committing murder of the father of the informant.
3. Heard, Mr. Biraja Prasad Tripathy, learned Sr. counsel, who is being assisted by Mr. Siba Sankar Panda, learned counsel for the petitioner and Mr. S.C. Pradhan, learned Additional Public Prosecutor in the matter and perused the record.
4. The petitioner seeks for bail by setting up plea of noncompliance/infracton of the provision of Article 22(1) of the Constitution of India/ Sec.47 of BNSS, but



this Court as an abundant precaution to the plea of the petitioner has sought for the response of the arresting officer, who in his affidavit at Paragraph-7 has inter alia stated the following:-

*"7. That, it is further humbly and respectfully submitted that the petitioner was arrested on 23.03.2025 at 09.45 AM and was forwarded to the Court of the learned SDJM, Rairakhol within 24 hours of his arrest (Ref: Page No.14 of the Case Diary). But, the IO while submitting the forwarding report has put his signature mentioning the date inadvertently as 23.06.2026, which is a typographical mistake, for which the Deponent humbly begs apology. **It is the admitted fact that the grounds of arrest have not been communicated to the Petitioner**, the deponent also renders apology for the same."*

5. Law is fairly well settled that the grounds of arrest must be communicated to the arrestee by the Arresting Officer and it is not only the constitutional mandate, but also, a statutory provision as prescribed under the law, but noncompliance/infracton of such mandatory provision enures to the benefit of the petitioner for bail, even though he is involved in any kind of offences, heinous/serious and the consequence of non-compliance thereof has been succinctly laid down in ***Directorate of Enforcement Vrs. Subash Sharma; 2025 SCC OnLine SC 240***, wherein the Apex Court at Paragraph-8 has held as under:-

"8. Once a Court, while dealing with a bail application, finds that the fundamental rights of



the accused under [Articles 21](#) and [22](#) of the Constitution of India have been violated while arresting the accused or after arresting him, it is the duty of the Court dealing with the bail application to release the accused on bail. The reason is that the arrest in such cases stands vitiated. It is the duty of every Court to uphold the fundamental rights guaranteed under [Articles 21](#) and [22](#) of the Constitution."

6. In view of the admitted position of law together with the non-compliance of Article 22(1) of the Constitution of India/ Sec.47 of BNSS, this Court has no other option left, but to admit the petitioner to bail.

7. 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 one solvent surety 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 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 fail 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 not threaten/ influence/induce/ coerce any of the witnesses including the informant and her family members acquainted with the facts of the case so as to



dissuade them disclosing such facts before the Court.

8. Accordingly, the BLAPL stands disposed of.
9. 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

Jayakrushna