



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.13309 of 2025

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

Subharanshu Sekhar Swain ... ***Petitioner***

-versus-

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

For Petitioner : ***Mr. D. Panda, Advocate
along with Mr.
J. Mohapatra, Advocate***

For Opposite Party : ***Mr. M.R. Patra, Addl. PP
Mr. S.S. Chaini, Advocate
(informant)***

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 Chandabali PS Case No. 424 of 2025 corresponding to G.R. Case No.773 of 2025 pending in the Court of learned JMFC, Chandbali, for commission of offence punishable U/S.103 of BNS, on the main allegation of committing murder of one Ajay Kumar Giri by assaulting him with an iron angle, along with co-accused person.



2. In the course of hearing, Mr. Devashis Panda, learned counsel entering appearance for the petitioner along with Mr. Jayakrishna Mohapatra, learned counsel for the petitioner in Court today by filing appearance memo which is taken on record, submits that the petitioner has not been communicated with the grounds of arrest, which is mandatory in nature and thereby, the petitioner is entitled to bail for infraction of compliance of Sec.47 of BNSS. Mr. Panda further submits that the implication of the petitioner is on the basis of two confessions before police; one is his confession and another is confession of co-accused Kishore Kumar Panda and thereby, the petitioner is protected by Sec.23(1) & (2) of Bharatiya Sakshya Adhiniyam, 2023 (BSA) and any incriminating material recovered pursuant to the disclosure statement of co-accused is not an incriminating circumstance against the petitioner and thereby, the petitioner having been implicated in this case on inadmissible materials, he may kindly be granted bail.

2.1. On the other hand, Mr. Siva Sankar Chaini, learned counsel for the informant very emphatically



submits that not only the petitioner has been implicated in this case on the basis of co-accused statement, but also his involvement is otherwise on materials on record and the petitioner having committed the crime in a cool and calculated manner, his bail application should be rejected. Mr. Chaini further submits that the grounds of arrest having duly been communicated and the law laid down by the Apex Court in ***Mihir Rajesh Shah Vrs. State of Maharashtra; (2026) 1 SCC 500*** being applicable to this case, which is with regard to application of law relating to written compliance of Sec.47 of BNSS prospectively and the arrest effected in this case being prior to the decision of ***Mihir Rajesh Shah(supra)***, the plea as advanced by the petitioner merits no consideration for grant of bail. Accordingly, Mr. Chaini prays to reject the bail application of the petitioner.

2.2. On the other hand, Mr. M.R. Patra, learned Addl. PP by placing the materials on record submits that the implication of the petitioner is not only on the basis of statement of co-accused, but also on the basis of CDR analysis of the phone number of the petitioner and



thereby, the petitioner having been found implicated in this case on the basis of admissible evidence and he having been found to have committed the murder of the deceased, his bail application may kindly be rejected.

3. Rival submissions make it very clear that the petitioner seeks for bail for non-compliance of Sec.47 of BNSS and on merit, but coming to the non-compliance Sec.47 of BNSS, this Court considers it proper to reiterate the provision of Sec. 47 of BNSS which reads as under:-

Sec.47 of BNSS:-Person arrested to be informed of grounds of arrest and of right to bail.

"47(1) Every police officer or other person arresting any person without warrant shall forthwith communicate to him full particulars of the offence for which he is arrested or other grounds for such arrest."

In this case on a brief reference to the documents which have been filed by the petitioner with regard to non-communication of grounds of arrest, it appears that the Police in the form of notice of information of grounds of arrest (Sec.47 of BNSS) has furnished the same to the petitioner by stating *inter alia* therein as under:-



"You are hereby informed of your arrest in connection with below referred case/circumstances.

Police Station- Chandbali

Case No- 424 of 2025

Section of Law- U/S.103 of BNS turned to Sec.103/238/3(5) of BNS

Grounds of Arrest- He is involved in the alleged murder of deceased Ajay Kumar Giri."

The aforesaid information contains the signature of the petitioner, so also that of the Arresting Officer. A brief reference to the aforesaid information, this Court is of the considered opinion that there is sufficient compliance of Sec.47 of BNSS inasmuch as Sec.47 of BNSS provides the person arrested needs to be communicated with full particulars of the offence for which he is arrested or the grounds of arrests. In this case, the particulars of the offences has been communicated to the petitioner and he has also been informed why he has been arrested by the following sentence "he is involved in murder of the deceased". The plea as advanced for the petitioner for non-compliance of Sec.47 of BNSS appears to be unmerited and liable to be rejected.

4. Coming to the next issue on merit, there appears allegation against the petitioner for committing murder of the deceased, but whether the case is based



on inadmissible materials or admissible materials can be decided in the course of trial, however, detailed analysis of evidence and meticulous examination of documents on merits should be avoided at the stage of consideration of bail. In view of the aforesaid position of law and taking into consideration the nature and gravity of the offence as alleged against the petitioner vis-à-vis the accusation sought to be brought against him and regard being had to the materials placed on record together with the role as alleged against the petitioner for commission of the crime, this Court does not consider it proper to grant bail to the petitioner.

Hence, the bail application of the petitioner stands rejected. A soft copy of this judgment be immediately transmitted to the Court in seisin over the matter for reference.

(G. Satapathy)
Judge

*Orissa High Court, Cuttack,
Dated the 25th day of February, 2026/S.Sasmal*