



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.13456 of 2025

Niladhar Naik @ Tanmaya* ... *Petitioner

Mr. S.N. Mishra, Advocate

-versus-

State of Orissa & Another* ... *Opposite Parties

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 BNSS by the petitioner for grant of bail in connection with Thuamul Rampur PS Case No.172 of 2024 corresponding to CT Case No.95 of 2024(POCSO) pending in the file of learned Addl. Sessions Judge-cum-Special Court under POCSO Act, Bhawanipatna for commission of offences punishable U/Ss.363/ 366/ 376(2)(n) of IPC r/w Sec.6 of POCSO Act, on the main allegation kidnapping the victim and committing rape and aggravated penetrative sexual assault upon the her.
3. Heard, Mr. Satyanarayan Mishra, 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 for non-compliance of the mandatory provision of Sec.47 of BNSS/Article



22(1) of Constitution of India, but the arresting officer in his affidavit produced before this Court has stated to have complied the said provisions, however, the relevant column i.e. column no.10 of arrest memo reveals about grounds of arrest with following words "as per above noted case reference", but the provision of law as contemplated in Sec.47 of BNSS is very clear that the grounds of arrest should contain the particulars of the offences for which he is arrested or other grounds for such arrest, however, that has not been admittedly reflected. It is, therefore, a case of violation/infracton of mandatory & statutory provisions of law, however, the petitioner otherwise on merit also qualifies for bail since the victim has already examined in the meantime and thereby, there being hardly any apprehension of tampering of evidence of material witness like the victim and the well-recognized principle "bail is the rule, but jail is the exception". In the aforesaid facts and situation and taking into consideration the materials placed on record together with the statement of the victim, this Court without expressing any view on merit admits the petitioner to bail.

5. Hence, the bail application of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five 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.

6. Accordingly, the BLAPL stands disposed of.

7. 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