



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.2001 of 2026

Guddu @ Sudarshan Nahak ... Petitioner

*Ms. A. Ray, proxy counsel on behalf of
Mr. P.K. Nayak, Advocate
-versus-*

State of Orissa ... Opposite Party

Mr. C. Mohanty, Addl. PP

CORAM: JUSTICE G. SATAPATHY

Order No.

ORDER(ORAL)01.07.2026

02.

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 Hindol PS Case No.196 of 2024 corresponding to CT Sessions Case No.233 of 2024 pending in the file of learned ADJ-Cum-Spl. Judge (Vigilance), Dhenkanal for commission of offences punishable U/Ss.309(6)/103 of BNS r/w Sec.25/27 of Arms Act, on the main allegation of committing murder of one Subash Sahu by firing at him, along with co-accused persons while committing robbery from the deceased.
3. Heard, Ms. Agnisikha Ray, learned proxy counsel appearing on behalf of Mr. Pratap Kumar Nayak, learned counsel for the petitioner and Mr. C. Mohanty, learned Additional Public Prosecutor in the matter and perused the record.
4. After having considered the rival submission upon perusal of record, there appears allegation against the petitioner for committing robbery and murder of the



deceased, but learned counsel for the petitioner has taken the plea that the petitioner was not present at the scene of occurrence and none of the eye witnesses has ever whispered his name, however, the petitioner has been implicated in this case by the statement of co-accused persons. Besides, the petitioner is a noted history-sheeter having nine criminal antecedents, but the petitioner has not disclosed his criminal antecedents in his bail application, however, at the stage of hearing of the bail application, a comprehensive affidavit stated to be sworn in by the mother of the petitioner is handed over to the Court, but such comprehensive affidavit only contains partial disclosure of the criminal antecedents of the petitioner, since only seven criminal cases have been shown in such comprehensive affidavit. The comprehensive affidavit also discloses the implication of the present petitioner in different PS cases for commission of offence punishable U/Ss.394,395,309 of IPC and 25 or 27 of Arms Act.

5. On the other hand, learned State counsel has produced the case diary in which the criminal antecedent of the petitioner has been stated which is extracted below in a tabular form: -

Sl. No.	Police Station	Case No.	Offences
01.	Angul PS	of 2020	U/S.294/324/341/506/34 IPC
02.	Angul PS	1092 of 2020	U/S.52(a)(i) of Odisha Excise Act
03.	Bantala PS	515 of 2022	U/S.394/201 of IPC
04.	Bantala PS	518 of 2022	U/S.394/413 of IPC.
05.	Rasol PS	09 of 2022	U/S.450/395/397of IPC



06.	Rasol PS	212 of 2024	U/S.309(4) of BNS r/w Sec.25/27 of Arms Act
07.	Banarpal PS	302 of 2024	U/S.309(4) of BNS
08.	Jarapada PS	174 of 2024	U/S.312 of BNS r/w Sec.25/27 Of Arms Act
09.	Parjang PS	520 of 2022	U/S.395 of IPC r/w Sec.25/27 of Arms Act.

6. In the context of criminal antecedents, this Court considers it apt to refer to the decision in ***Munnesh Vrs. State of Uttar Pradesh; 2025 SCC OnLine SC 1319***, wherein the Apex Court at Paragraph 9 of the decision has held as under: -

"9. xx xx xx, since the petitioner has suppressed material facts with regard to his involvement in criminal cases, he is not entitled to the discretionary relief of bail. xx xx"

In addition, in ***Zeba Khan Vrs. State of UP and others; 2026 SCC OnLine 188***, the Apex Court in paragraph Nos.42, 43, 47 & 48 has held as under:-

"42. It has been consistently emphasized by this Court that an accused or applicant seeking bail is under a solemn obligation to make a fair, complete and candid disclosure of all material facts having a direct bearing on the exercise of judicial discretion. Any suppression, concealment or selective disclosure of such material facts amounts to an abuse of the process of law and strikes at the very root of the administration of criminal justice.

43. In the present case, Respondent No. 2 deliberately concealed his criminal antecedents before the High Court, both in the petition for quashing FIR as well as in successive bail applications. Even before this Court, only partial disclosure was made in the counter-affidavit, despite the existence of multiple criminal cases on record. This conduct cannot be viewed as an isolated lapse but reflects a growing and



disturbing trend of accused persons securing discretionary relief by suppressing material facts.

47. As repeatedly observed by this Court, bail applications are examined at multiple stages - from the trial Court to the High Court and ultimately this Court - where courts are often constrained to take a prima facie view on incomplete or selectively presented records. ***Non-disclosure of material aspects such as criminal antecedents, prior bail rejections, duration of custody, compliance with constitutional and statutory safeguards, and the progress of trial may result in the unwarranted grant of bail,*** or conversely, the prolonged incarceration of accused persons despite substantial custody having already been undergone.

48. Thus, this Court is of the view that ***every petitioner or applicant seeking bail, at any stage of proceedings, is under an obligation to disclose all material particulars, including criminal antecedents*** and the existence of any coercive processes such as issuance of non-bailable warrants, declaration as a proclaimed offender, or similar proceedings, duly supported by an affidavit, so as to promote uniformity, transparency and integrity in bail adjudication."

6. No doubt the petitioner has also taken plea of parity, but parity cannot be the sole ground to grant bail when the co-accused person who has been granted bail is not having any criminal antecedent. In view of the aforesaid facts and circumstances and taking into consideration the nature and gravity of the allegation sought to be brought against the petitioner and regard being had to the materials placed on record and keeping in view the long and checkered criminal history of the petitioner and there being no disclosure of the criminal antecedent of the petitioner in his bail application and



partial & selective disclosure of his criminal antecedents in the comprehensive affidavit, this Court does not consider it proper to grant bail to the petitioner.

7. Hence, the bail application of the petitioner stands rejected. 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.

(G. Satapathy)
Judge

Jayakrushna

Signature Not Verified

Digitally Signed
Signed by: JAYAKRUSHNA DASH
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 01-Jul-2026 19:02:28

