



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.4409 of 2026

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

Manoj Kumar Das @ Muna ... ***Petitioner***

-versus-

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

For Petitioner : ***Mr. S.N. Das, Advocate***

For Opposite Party : ***Mr. M.R. Patra, Addl. PP***

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:22.07.2026(ORAL)

G. Satapathy, J.

1. This is a bail application U/S.483 of BNSS by the petitioner for grant of bail in connection with Basta PS Case No.88 of 2024 corresponding to ST Case No.109 of 2025 (CT Case No.262 of 2024) pending in the file of learned Sessions Judge, Balasore, for commission of offences punishable U/Ss.302/201/342/294/404/120-B/34 of IPC.

1.1. The background facts in precise are that on 01.05.2024 at about 8:05 AM, the Grama Rakhi, who is the informant on getting some information



went to a place near Narada UP School, Chhanua only to find out a dead body lying there and, thereby, he suspected someone to have murdered the said person and in the courses of investigation, the identity of the deceased was found to be Pruthwiraj Patra of Chhahapada, Rameswar, Jagatpur, Cuttack and the deceased was found to have suffered a homicidal death. It is further came to the light from the statement of the witnesses that the present petitioner, his brother Kuna Das and another youth namely Chandan Sethi were at Chhanua Chhak and they assaulted a person suspecting him to be a thief, but at that time, one Miku @ Anil Kumar Patra and the deceased Pruthwiraj Patra came there, but seeing Miku, co-accused Kuna Das attacked him saying that he had committed theft of their fish, however, the deceased Pruthwiraj Patra tried to save Miku and in the process, the deceased had an argument with the present petitioner and co-accused persons. Due to assault on Miku, he fell down on the ground and, thereafter, co-accused Chandan Sethi and the



petitioner held the deceased and co-accused Kuna Das assaulted him on his face by means of a billhook (telenga Katuri) and the deceased ran away, but fell down and, thereafter, the accused persons including the petitioner left the spot. It is further found from the record that the present petitioner gave recovery of the billhook (telenga Katuri) pursuant to his disclosure statement and he was, accordingly, taken into custody on 19.07.2024 and upon completion of investigation, the IO submitted charge-sheet against the petitioner & others.

2. In the course of hearing, Mr. Sailaza Nandan Das, learned counsel for the petitioner primarily raises three points for grant of bail to the petitioner and such three points are (i) non-compliance of Section 47 of BNSS; (ii) illegal arrest of the petitioner for not informing his relatives in terms of the law and (iii) non-examination of eye witnesses immediate after the occurrence.



2.1. On the other hand, Mr. M.R. Patra, learned Additional Public Prosecutor prays to reject the bail application of the petitioner on the ground of prima facie involvement of the petitioner in the murder of the deceased. Learned State Counsel also stresses about due compliance of Section 47 of BNSS and no illegality in arresting the petitioner.

3. After having considered the rival submissions upon perusal of record, this Court before dwelling upon the merits of the case considers it proper to address the first plea of the petitioner, which is for non-furnishing the grounds of arrest to him, but it appears that the petitioner was arrested on 19.07.2024 and he had many occasions to raise such plea before the first Court at the time of remand as well as before other Courts including this Court, since the petitioner has approached this Court in BLAPL No.9571 of 2024 and BLAPL No.3988 of 2025, but on each occasion, the petitioner has withdrawn his plea for bail before this Court. Besides, it is important to note the timing of the challenge by the



petitioner to his arrest. It is no doubt true that the purpose of communicating the grounds of arrest is to prevent arbitrary arrest and to ensure that an accused is aware of the allegation against him. The petitioner has of course has raised the plea with regard to non-communication of grounds of arrest in writing to him in his bail application, but this Court by way of a detail order dated 22.05.2026 passed in BLAPL No.10846 of 2025 and other two bail applications has held that communication of grounds of arrest to the arrestee in **writing** may operate prospectively to the arrest on and from the date of pronouncement of judgment in ***Mihir Rajesh Shah Vrs. State of Maharashtra; (2026) 1 SCC 500***, which was delivered on 06.11.2025, but the petitioner herein was arrested much prior to 06.11.2025. This Court, however, considers it proper to reiterate the relevant observations of the Apex Court in ***Mihir Rajesh Shah (supra)*** at paragraph-68, which is extracted as under: -



68. We are cognizant that there existed no consistent or binding requirement **mandating written communication of the grounds of arrest for all the offences.** Holding as above, in our view, would ensure implementation of the constitutional rights provided to an arrestee as engrafted under Article 22 of the Constitution of India in an effective manner. Such clarity on obligation would avoid uncertainty in the administration of criminal justice. The ends of fairness and legal discipline therefore demand that **this procedure as affirmed above shall govern arrests "henceforth".**

4. Even otherwise, coming to the plea of non-compliance of Sections 47 & 48 of BNSS for non-communication of grounds of arrest in writing and illegality in arresting the petitioner as advanced in this case, it appears that in response of the plea of the petitioner, an affidavit was sought for from the arresting officer, who has filed such affidavit by stating *inter-alia* the following:-

"(a) The grounds of arrest were clearly and explicitly communicated to the petitioner at the time of arrest, which is indicated under Annexure-A/1. The petitioner along with witnesses acquainted with and possesses sufficient knowledge and understanding of, the English language. After carefully going through the contents of the Arrest Memo, having fully understood the same, voluntarily



put their signature thereon. The petitioner was arrested on 19.7.2024 and forwarded to the Hon'ble Court on the same day, within 24 hours, and it has been mentioned in forwarding letter the exact time before the Hon'ble Court under, which is indicated under Annexure-A/2.

(b) *The arrest memo was prepared contemporaneously at the place of arrest, clearly mentioning the date, time and place of arrest along with I.O. has mentioned regarding ground of arrest in Para-10 of the arrest memo, petitioner is involved in this case.*

(c) *The arrest memo was duly countersigned by the petitioner, ensuring transparency and procedural fairness.*

(d) *The petitioner was informed of his right to have a relative or friend informed of his arrest, and such intimation was duly conveyed as per his disclosure."*

5. On a careful scrutiny of arrest memo under Annexure-A/1 as produced, it reveals that the offence for which the petitioner has been arrested has been stated in column no.5 with date and time of arrest at column no.7 together with the person who has been informed about the arrest of the petitioner at column no.8. Further, the reason of grounds of arrest is also stated at column no.10 and the same reads as "He is involved in this case". Additionally,



the father of the petitioner was stated to be informed about the arrest of the petitioner at column no.10. Besides, the arrest memo was signed by the petitioner in English and countersigned by the IO and it also contains the signature of three witnesses. Moreover, the petitioner has never taken a stand prior to this bail application that he has not been informed/communicated with grounds of arrest either in writing or otherwise nor does he say in any proceeding that he was not informed of the grounds of arrest at the time of his production before the Court and subsequently thereafter and the petitioner has only taken such plea first time just few months back and the same was accordingly not considered by the learned Additional Sessions Judge vide his order dated 18.03.2026. In the aforesaid situation and circumstance and on consideration of arrest memo and relying upon the decision in ***Mihir Rajesh Shah (supra)***, the plea as advanced by the petitioner for grant of bail for non-compliance of Section 47 of BNSS and for illegal arrest for not informing the



relatives of the petitioner in terms of Section 50(A) of CrPC (Section 48 of BNSS) merits no consideration and are, accordingly, rejected.

6. On coming to the merit of the case, it appears that there is allegation against the petitioner for committing murder of one person and there is eye witness account to such allegation, but the petitioner only disputes about recording of statement of such eye witness subsequently after the occurrence. Time and again, it is observed that detail and meticulous analysis of materials/evidence on record is impermissible at the stage of considering bail plea of an accused. Besides, the Post Mortem Report reveals about presence of incised wound on the person of the deceased and the cause of death of the deceased was opined by the doctor to be due to loss of circulating blood volume. Additionally, the weapon of offence i.e. bill hook (telenga Katuri) was allegedly recovered at the instance of the petitioner pursuant to his disclosure statement. In view of the aforesaid facts and circumstance and taking into account the nature



and gravity of the offences as alleged against the petitioner vis-à-vis the accusations sought to be brought against him and regard being had to the recovery of the weapon of offence pursuant to the alleged disclosure statement of the petitioner and trial having not yet commenced, this Court is not inclined to grant bail to the petitioner.

7. Hence, the bail application of the petitioner stands rejected. Accordingly, the BLAPL stands disposed of. A copy of this order be immediately transmitted to the learned Court in seisin over the matter.

(G. Satapathy)
Judge

*Orissa High Court, Cuttack,
Dated the 22nd day of July, 2026/Subhasmita*

Signature Not Verified

Digitally Signed
Signed by: SUBHASMITA DAS
Designation: Sr. Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 22-Jul-2026 20:32:17

