IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.778 of 2026

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

Angel Mishra … ***Petitioner***

-versus-

State of Orissa … ***Opposite Party***

For Petitioner : ***Mr. S.S. Pattnaik, Advocate***

For Opposite Party : ***Mr. P. Satpathy, Addl. PP***

CORAM: JUSTICE G. SATAPATHY
DATE OF HEARING & JUDGMENT:09.04.2026(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 Tamando PS Case No.324 of 2024 corresponding to CT Case No.760 of 2024 pending in the file of learned JMFC-I, Bhubaneswar for commission of offences punishable U/Ss.420/467/468/34 of IPC, on the main allegation of cheating the informant for around Rs. 78 Lakhs by forging documents on the pretext of delivering a Flat in an Apartment.

2. Heard, Mr. Sumit Sekhar Pattnaik, learned counsel for the Petitioner and Mr. P. Satpathy, learned

Addl. Public Prosecutor in the matter and perused the record.

3. Bail to the Petitioner is in fact opposed to by the learned Addl. PP not only on merit, but also for the Petitioner having five criminal antecedents of similar nature, however, the Petitioner is in custody since 10.03.2024 and in the meantime, more than two years and three months have elapsed. Right now, the trial is going on in the Court of learned JMFC(LR), Bhubaneswar, but the Magistrate is empowered to inflict maximum sentence of imprisonment for a term not exceeding three years or of fine not exceeding Rs. 50,000/-. It is also not in dispute that the informant while being examined as a witness in this case, has admitted in cross-examination that he has filed one cheque bounce case against the Petitioner for realization of Rs. 78 Lakhs. One of the pleas of the Petitioner is for grant of bail for non-conclusion of the trial even after sixty days from the first date fixed for taking evidence in terms of the provision of Sec. 480(6) of BNSS which prescribes as under:-

> *"(6) If, in any case triable by a Magistrate, the trial of a person accused of any non-bailable offence is not concluded within a period of sixty days from the first date fixed for taking evidence in the case, such person shall, if he is in custody during the whole of the said period, be released on bail to the satisfaction of the Magistrate, unless for reasons to be recorded in writing, the Magistrate otherwise directs."*

4. It is not in dispute that the Petitioner has in fact approached the trial Court in an application U/S. 480(6) of BNSS, but the same was rejected by the learned trial Court, however, on a bare perusal of the said order, this Court does not find any reason ascribed by the learned Magistrate for refusing bail to the Petitioner in terms of the provision of Sec. 480(6) of BNSS. In such situation, normally if the trial is not concluded within sixty days from the first date fixed for taking evidence, the accused person if he is in custody shall be released on bail which in fact provides that the bail although appears to be more mandatory than discretionary, nonetheless it is not an absolute right of such accused. No doubt, the Petitioner is having some criminal antecedents, but confining an offender for indefinite period on the expectation of conclusion of trial

on one day is not the spirit of Article 21 of the Constitution of India.

5. In this case, the Petitioner has not only suffered incarceration period of two years and three months, but also he is also facing trial in another case for cheque bounce. It is also not out of place to mention that criminal proceeding in the nature of the present case is never meant for realization of disputed dues. Further, no material has been produced to justify any apprehension that the Petitioner would abscond or avoid the trial. In view of the aforesaid facts and situation and taking into account the materials so placed on record and keeping in view the pre trial detention of the Petitioner in custody and the offences being right now tried by Magistrate who is only competent to impose imprisonment up to three years and fine of Rs. 50,000/-, this Court without expressing any view on merits admits the Petitioner to bail.

6. Hence, the bail application of the petitioner stands allowed and the petitioner is allowed to go on bail on furnishing property surety of Rs.5,00,000/- (Rupees

Five Lakh), in addition to bail bonds of Rs.1,00,000/- (Rupees One Lakh) only with two solvent sureties each 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 fails 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 in accordance with law.***

7. 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, who shall afterwards communicate the same to the concerned Jail through e-mail for reference.

(G. Satapathy)
Judge

Signature Not Verified
Digitally Signed
Signed by: PRIYAJIT SAHOO
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 10-Apr-2026 11:56:51

Orissa High Court, Cuttack,
Dated the 9th day of April, 2026/Priyajit