IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL Nos.1474, 2314, 2396, 2867, 3066 of 2026

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

Rudra Madhab Mohapatra … ***Petitioners***
(In BLAPL No.1474 of 2026)
Tapan Kumar Nayak
(In BLAPL No.2314 of 2026)
Pananga Narayan Dash @ Pinu
(In BLAPL No.2396 of 2026)
Smruti Ranjan Moharana @ Chandan
(In BLAPL No.2867 of 2026)
Subhransu Sagar Patra @ Milan
(In BLAPL No.3066 of 2026)

Mr. D.R. Mohapatra, Advocate
(in BLAPL No.1474 of 2026)
Mr. V. Verma, Advocate
(in BLAPL No.2314 of 2026)
Mr. C. Samantaray, Advocate
(in BLAPL No.2396 of 2026)
Mr. S.R. Rout, Advocate
(in BLAPL No.2867 of 2026)
Mr. R.K. Pattanaik, Advocate
(in BLAPL No.3066 of 2026)

-versus-

State of Odisha … ***Opposite Party***

Mr. S.C. Pradhan, Addl. PP

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING :23.04.2026
DATE OF JUDGMENT:30.04.2026

G. Satapathy, J.

1. Since these five bail applications arise out of one and same case record, the same are heard together and disposed of by this common order with the consent of the learned counsel for the parties.

2. These five bail applications are U/S.483 of BNSS Act by the petitioners for grant of bail in connection with Cyber Crime & Economic Offences, UPD Cuttack PS Case No. 05 of 2026 corresponding to GR Case No.39 of 2026 pending in the Court of learned Addl. Sessions Judge-cum-Special Judge(Vigilance), Cuttack/JMFC-I (Cog. Taking), Cuttack for commission of offences punishable U/Ss. 318(4)/ 319(2)/ 338/ 336(3)/ 340(2)/ 112/ 61(2) of BNS r/w Sec.66(C)(D) of IT Act.

3. The gist of the allegation against the petitioners is for opening up fake business accounts by using mobile phones, debit cards and other electronic instruments of some persons without their knowledge and subsequently, using such mule bank accounts for transfer of illegal funds through multiple bank accounts. On this issue, an FIR was lodged and registered in Cyber Crime & Economic Offences, UPD Cuttack vide FIR No.05 of 2026 and finding the involvement of the petitioners, they were taken into custody ultimately landing them in this Court in these bail applications.

4. Heard Mr. Dipti Ranjan Mohapatra, learned counsel for the petitioner in BLAPL No. 1474 of 2026 and Mr. Virendra Verma, learned counsel appearing virtually for the petitioner in BLAPL No. 2314 of 2026, Mr. Chandan Samantaray, learned counsel for the petitioner in BLAPL No. 2396 of 2026, Mr. Smruti Ranjan Rout, learned counsel for the petitioner in BLAPL No. 2867 of 2026, Mr. Ramani Kanta Pattanaik, learned counsel for the petitioner in BLAPL No. 3066 of 2025 and Mr. S.C. Pradhan, learned Addl. PP in the matter and perused the record together with the written instruction as submitted by the Inspector of Police Cyber Crime & EOPS, Cuttack UPD.

4.1. Mr. Verma, learned counsel for the petitioner in BLAPL No. 2314 of 2026 submits that no scientific evidence has been collected in this case and all the offences alleged against the petitioner are punishable maximum up to imprisonment for seven years and thereby, the petitioner could have been let off with a notice U/S. 35(3) of BNSS in terms of the principle of law laid down in a plethora of decisions, but

that has not been complied with. Mr.Verma in addition, also submits that the principal accused Bablu Nayak has already been enlarged on bail, but the petitioner is languishing in custody since long and in the meantime, charge sheet has already been submitted. More or less is the submission advanced by Mr.Smruti Ranjan Rout, learned counsel for the petitioner in BLAPL No. 2867 of 2026. Mr.Ramani Kanta Pattanaik, leaned counsel for the petitioner-Subhransu Sagar Patra @ Milan, however, strongly submits that none of the depositor has come forward to allege against the petitioner, but a police officer has lodged the FIR and how come the police officer knew what has happened to the depositors and, therefore, the very foundation of the case is unacceptable, but the petitioner is in custody since 28.01.2026 and principal accused as well as the accused persons named in the FIR having already been enlarged on bail, at least the principle of parity be extended to the petitioners.

5. On coming to the question of compliance of Sec.47 of BNSS as advanced for some of the petitioners

for grant of bail, the aforesaid provision not only appears to be the statutory mandate, but also emanates from the constitution of India as a safeguard/protection against arrest and detention and non-compliance thereof not only vitiates the arrest or remand of the accused, but also allows the authority to release the accused on bail. Sec.47 of BNSS makes it imperative for the arresting officer to forthwith communicate the arrestee, who was arrested without warrant, the particulars of the offence(s) for which he is arrested or other grounds of arrest. This is not only the statutory right of the accused person, but also his fundamental right as guaranteed under Article 22(1) of the Constitution of India, which provides for "Protection against arrest and detention in certain cases" and it is guaranteed therein that no person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice. In addition, Sec.48 of

BNSS, which is *pari materia* to Sec.50-A of CrPC reads as under:-

> ***"48 BNSS. Obligation of person making arrest to inform about arrest, etc., to relative or friend****-(1) Every police officer or other person making any arrest under this Sanhita shall forthwith give the information regarding* ***such arrest and place*** *where the arrested person is being held to any of his* ***relatives, friends or such other persons*** *as may be disclosed or nominated by the arrested person for the purpose of giving such information and also to the designated police officer in the district.*
>
> *(2) The police officer shall inform the arrested person of his rights under sub-section (1) as soon as he is brought to the police station.*
>
> *(3) An entry of the fact as to who has been informed of the arrest of such person shall be made in a book to be kept in the police station in such form as the State Government may, by rules, provide.*
>
> *(4)* ***It shall be the duty of the Magistrate before whom such arrested person is produced to satisfy himself that the requirements of sub-section (2) and sub-section (3) have been complied with in respect of such arrested person.***

6. The above referred provisions, however, make it mandatory for compliance, but the mode and manner of compliance of such provisions has only been laid down by the Apex Court through authoritative judicial pronouncements. Why compliance of such

provision as provided in Sec.47 of BNSS is to be made in writing has been well explained by the Apex Court at paragraph-47 in ***Mihir Rajesh Shah Vrs. State of Maharashtra; (2026) 1 SCC 500***, wherein it is held thus:-

> ***"47.*** *Another aspect, which flows from the above discussion and merits consideration is the* ***mode of informing grounds of arrest*** *to the arrested person to effectively serve the intended purpose of Article 22(1) of the Constitution of India. This Court, as observed above, had held that* ***it would not be ideal to read out the grounds of arrest to a person who is arrested, as he may not be in the frame of mind to remember the contents of grounds that are read out to him****. The Court underscored that if the authorities are permitted to read out the grounds and claim compliance with the constitutional and statutory mandate,* ***the very purpose of the constitutional protection would be nugatory****.*

7. Further, with regard to the compliance of Sec.48 of BNSS, the Apex Court at paragraph 56 in ***Mihir Rajesh Shah (supra)*** has held thus:-

> ***"56****. It would not be out of context now to refer to an obligation which has been imposed on a person making arrest, as provided under Section 50A read in relation to Section 50 of the CrPC 1973 (now Section 48 and 47 of BNSS 2023 respectively), to inform the arrestee of his right to indicate his relative, friend or such other person for the purpose of giving information with regard to his arrest.*

Simultaneously, a duty has also been cast on the person making arrest to forthwith thereafter inform of such arrest with reasons and the place where the arrested person is being held to the such indicated person. The police officer/person making any arrest shall make an entry of the fact ***as to who has been informed of such an arrest in a book to be kept in the police station****. Further protection in this regard is reflected when a duty has been cast on the magistrate to satisfy himself, when the arrestee is produced before him, that the above requirement stands complied with. This requirement is in addition to the rights of an arrestee to be made aware of the grounds of arrest."*

8. How, the compliance of Sec.47 of BNSS can be made has been lucidly explained by the Apex Court at paragraph-62 of ***Mihir Rajesh Shah (supra)*** which reads as under:-

"62. *We thus hold, that, in cases where the police are already in possession of documentary material furnishing a cogent basis for the arrest, the written grounds of arrest must be furnished to the arrestee on his arrest. However, in exceptional circumstances such as offences against body or property committed in flagrante delicto, where informing the grounds of arrest in writing on arrest is rendered impractical, it shall be sufficient for the police officer or other person making the arrest to orally convey the same to the person at the time of arrest.* ***Later, a written copy of grounds of arrest must be supplied to the arrested person within a reasonable time*** *and in no event later than* ***two hours prior*** *to production of the arrestee before the magistrate for remand proceedings. The*

remand papers shall contain the grounds of arrest and in case there is delay in supply thereof, a note indicating a cause for it be included for the information of the Magistrate."

9. In the context of non-compliance of Sec.47 of BNSS, it is considered apt to state here that after making a threadbare discussions and analysis of the earlier rulings, the Apex Court in ***Mihir Rajesh Shah (supra)*** has recorded its conclusion at paragraph-66, which reads as under:-

> ***"66.*** *In conclusion, it is held that:*
>
> ***66.1. The constitutional mandate of informing the arrestee the grounds of arrest is mandatory in all offences under all statutes including offences under IPC, 1860 (now BNSS 2023);***
>
> ***66.2. The grounds of arrest must be communicated in writing to the arrestee in the language he/she understands;***
>
> ***66.3.*** *In case(s) where, the arresting officer/person is unable to communicate the grounds of arrest in writing on or soon after arrest,* ***it be so done orally****.* ***The said grounds be communicated in writing within a reasonable time and in any case at least two hours prior to production of the arrestee*** *for remand proceedings before the Magistrate.*
>
> ***66.4.*** *In case of non-compliance of the above, the* ***arrest and subsequent remand would be rendered illegal and the person will be at liberty to be set free."***

10. It is of course relevant to note here that in ***Mihir Rajesh Shah (supra)***, the Apex Court in paragraph-67 and 68 has observed as under:-

> ***"67****. After having come to the above conclusion, it is pertinent to note that the provision of law under Section 50 of CrPC (Section 47 of BNSS 2023) does not provide for a specific mode of or time frame for communication of the grounds of arrest to the person arrested. This Court in* ***Prabir Purkayastha vs. State (NCT of Delhi); (2024) 8 SCC 254*** *held that the grounds of arrest be conveyed to the arrestee in writing in all offences at the earliest, which means it need not be given at the time of arrest but within a reasonable time thereafter, for offences under all the statutes, which period would be as has been laid down above in this order.*
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> ***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****."*

11. In the present case at hand, the FIR was in fact registered on 09.01.2026 and the arrests of the

petitioners are, therefore, made in this case subsequent to 09.01.2026, but the written communication of grounds of arrest is to apply prospectively from the date of judgment of ***Mihir Rajesh Shah (supra)*** in terms of the law laid down by the Apex Court thereon in paragraph-68. However, the petitioners-Rudra Madhab Mohapatra and Pananga Narayan Dash @ Pinu have set up plea for grant of bail to them for want of compliance of Sec.47 of BNSS, but the affidavit filed by the IO-cum-Inspector of Police, Cyber Crime & Economic Offences, UPD Cuttack Police Station albeit claims for compliance of Sec. 47 of BNSS, but on a careful perusal of the record together with the Case Diary as produced before this Court, there was in fact no compliance of Sec.47 of BNSS in respect of petitioner-Rudra Madhab Mohapatra and all that appears from the Case Diary that there is no mention about the date and time of arrest of petitioner Rudra Madhab Mohapatra, so also for the petitioner- Pananga Narayan Dash @ Pinu and Smruti Ranjan Moharana @ Chandan. It is no doubt true that the petitioners-Tapan

Kumar Nayak and Subhransu Sagar Patra @ Milan have not set up the plea for grant of bail for want of compliance of Sec.47 of BNSS, but it appears from the Case Diary that the grounds of arrest were explained to each of them clearly and unambiguously and the family members/ employers/ relatives of the accused persons were duly informed of their arrest and involvement in this case in accordance with Sec.47 of BNSS. By and large, nowhere it has been reflected either in the affidavit or in the Case Diary or record that a written copy of grounds of arrest were furnished to the arrestees immediate after their arrest or two hours prior to their production before the Magistrate/ Court for remand proceedings.

12. The conspectus of provisions of law as contained in Sec.47 & 48 of BNSS read with Article 22(1) of the Constitution of India makes it imperative for the Arresting Officer to inform the grounds of arrest to the arrestee and Sec.48 of BNSS makes it obligatory for the Arresting Officer to forthwith give the information relating to arrest in case where the accused

person is being held, to any of his friends, relatives or such other persons as may be disclosed or nominated by the arrested person for the purpose of giving such information. Besides, it is the duty of the Magistrate before whom such arrested person is produced to satisfy himself that the requirement of Sub-Section 2 & 3 have been complied with in respect of such arrested person. These provisions are not empty formality, but statutory duty cast on the authorities concerned because the liberty of a person is priceless and violation thereof cannot be compensated in terms of money. In the wake of aforesaid, more particularly when there is absolutely no compliance U/S.47/48 of BNSS r/w Art.22(1) of the Constitution of India, all the petitioners are entitled to be released on bail for non-compliance of the statutory as well as mandatory provisions.

13. Even otherwise, it appears that the Police official has lodged the FIR against one Bablu Nayak @ Babulu, who has already been granted bail by the learned Addl. Sessions Judge-cum-Special Judge (Vig), Cuttack for non-compliance of Sec.47 of BNSS. In the

meantime, after completion of investigation, charge sheet has already been submitted, but the offences as alleged against the petitioners are in fact triable by Magistrate, no matter the offences U/S.338/340 of BNS as alleged against the petitioners provides maximum punishment for imprisonment of life. Further, some of the other co-accused persons have already been granted bail.

14. In the aforesaid facts and circumstances and taking into account the mode and manner of implication of the petitioners in this case and regard being had to their pre-trial detention coupled with failure of the Arresting Officer to comply Sec.47/48 of BNSS together with Article 22(1) of Constitution of India, this Court considers it proper to grant bail to the each petitioners.

15. Hence, these five bail applications of the petitioners namely Rudra Madhab Mohapatra (In BLAPL No.1474 of 2026); Tapan Kumar Nayak (In BLAPL No.2314 of 2026; Pananga Narayan Dash @ Pinu (In BLAPL No.2396 of 2026); Smruti Ranjan Moharana @

Chandan (In BLAPL No.2867 of 2026) and Subhransu Sagar Patra @ Milan (In BLAPL No. 3066 of 2026) are allowed and each of the petitioners is allowed to go on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) 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.

16. Accordingly, these BLAPLs stand disposed of. A soft copy of this judgment 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

Orissa High Court, Cuttack,
Dated the 30th day of April, 2026/S.Sasmal

Signature Not Verified
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Signed by: SUBHASMITA SASMAL
Designation: Jr. Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 30-Apr-2026 14:52:08