IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.4489 of 2026
CNR No. ODHC010333902026

1. Dinesh Nayak …. ***Petitioners***
2. Pratap Kumar Pujari
@ Pratap Ku. Pujari
3. Jagannath Nayak
4. Mithun Nayak
5. Binod Nayak

Mr. M. Nandy, Advocate

-versus-

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

Mr. S. Panigrahi, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
29.10.2026

Order No.

05. 1. Heard learned counsel for the Petitioners and learned counsel for the State.

2. The Petitioners are accused in connection with C.T. Case No.03 of 2026 pending on the file of learned Additional Sessions Judge, Malkangiri, arising out of Mathili P.S. Case No.192 of 2025 for commission of offence alleged under Sections 331(4) & 103(1) of the Bharatiya Nyaya Sanhita, 2023.

3. Learned counsel, on instruction, submits that except the present BLAPL, no other bail application of the Petitioners relating to the aforementioned P.S. case is pending in any other Court.

4. Being aggrieved by the rejection of their applications for bail U/s.483 of the BNSS by the learned Additional Sessions Judge, Malkangiri by order dated 22.04.2026 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted by the learned counsel for the Petitioners that the case is based on circumstantial evidence and there are gaping holes in the case of the prosecution. Hence, further continuance of the Petitioners in custody is not warranted.

6. Such submission is opposed by the learned counsel for the State, inter alia, referring to the disclosure statement of one of the accused- Dinesh Nayak, who is the Petitioner No.1 herein.

7. It is submitted by the learned counsel for the Petitioners that the said statement cannot be put into play so far as other accused are concerned.

8. Admittedly, such submission need not be dealt with elaborately. In this context respectful reference can be made to the judgment of the Apex Court in the case of **Kalyan Chandra Sarkar v. Rajesh**

Ranjan reported in **(2005) 2 SCC 42** which has stood the test of time.

9. In view of the materials on record, this Court is not inclined to entertain this application at this stage.

10. Liberty is granted to the Petitioners to renew their prayer after examination of the witnesses i.e. CSW-16 (Sanjeev Kumar Bagh) and CSW-17 (Manohar Mistree) to the disclosure statement under Section 23(2) of BSA. The same shall be considered on its own merits without being influenced by the earlier rejection or the order passed by this Court.

11. Accordingly, the BLAPL stands disposed of. U.C.C as per the rules.

(V. NARASINGH)
Judge

Soumya

Signature Not Verified
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Signed by: SOUMYA RANJAN SAMAL
Reason: Authentication
Location: High Court of Orissa
Date: 30-Oct-2026 19:11:02