IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.5432 of 2026
CNR No. ODHC010403002026

Sandeep Kumar Pattnaik .... ***Petitioner***

Mr. D. Panda, Advocate

-versus-

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

Mr. S. Panigrahi, ASC

BLAPL No.4922 of 2026
CNR No. ODHC010349992026

Sarat Kumar Behera @ Sarat Chandra Behera .... ***Petitioner***

Mr. B.K. Ragada, Advocate

-versus-

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

Mr. S. Panigrahi, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

04.11.2026

Order No.

05. 1. Since both the BLAPLs relate to the same P.S. (Ainthapali P.S. Case No.73 of 2026), on the consent of the parties, they are taken up together and are disposed of by this common order.

2. At the outset, learned counsel for the Petitioner in BLAPL No.4922 of 2026 submits that inadvertently in the brief, name of Petitioner has

been mentioned as "Sarat Kumar Behera" instead of "Sarat Kumar Behera @ Sarat Chandra Behera".

Memo filed to the said effect along with consolidated cause title reflecting the correct name of Petitioner (Sarat Kumar Behera @ Sarat Chandra Behera" is taken on record.

3. Heard learned counsel for the Petitioners and learned counsel for the State.

4. The Petitioners are accused in connection with G.R. Case No.608 of 2026, pending on the file of learned S.D.J.M., Sambalpur, arising out of **Ainthapali P.S. Case No.73 of 2026** for alleged commission of offences under Sections 316(5)/3(5) of BNS.

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

6. Being aggrieved by the rejection of their application for bail U/s.483 of BNSS by the learned Sessions Judge, Sambalpur by orders dated 14.05.2026 and 01.05.2026 respectively in the aforementioned case, the present BLAPLs have been filed.

7. It is the case of the prosecution that one Achyuta Dehury is the principal accused and because of his action and inaction, an excess amount to the tune of Rs.2,99,94,947.28/- was paid to him, against his entitlement of about Rs.25,00,000/-

8. It is the submission of the learned counsel for the Petitioners that though money has been trailed to their account, but since charge sheet has already been filed their further continuance in custody does not in any way help the prosecution and as such, they may be enlarged on bail, since they have their home and hearth within the jurisdiction of the learned Court in seisin and also since they have no criminal proclivity.

9. Learned counsel for the State, on the other hand, submits that this is an economic offence and as such, referring to the judgment of the Apex court in the case of **Satender Kumar Antil vrs. Central Bureau of Investigation and another** reported in (**2022) 10 SCC 51** as well as **Serious Fraud Investigation Office v. Aditya Sarda, 2025 SCC OnLine SC 764** submits that it is settled that economic offence are to be treated on a different scale. Therefore, the time tested doctrine of bail being the rule and jail is the exception has no application in the case at hand.

It is also stated that the principal accused Achyuta Dehury is absconding.

9-A. There is no cavil about the proposition of law as advanced by the learned public prosecutor. But, the principal accused fleeing the course of justice cannot have a bearing on the consideration of prayer for bail by the co-accused in the given facts and more so as it is post arrest bail.

10. At the same time, it has to be seen whether further continuance in custody is warranted. Grounds governing grant of bail is set at rest by the Apex Court in the case of **Satender Kumar Antil (supra),** which is respectfully extracted hereunder;

> (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;
> (ii) nature and gravity of the accusation;
> (iii) severity of the punishment in the event of conviction;
> (iv) danger of the accused absconding or fleeing, if released on bail;
> (v) character, behaviour, means, position and standing of the accused;
> (vi) likelihood of the offence being repeated;
> (vii) reasonable apprehension of the witnesses being influenced; and

(viii) danger, of course, of justice being thwarted by grant of bail."

11. It is stated that charge sheet in the case at hand filed and investigation has been kept open "for further investigation towards arrest of accused persons Achyuta Dehury, Rabindra Bhotra and other actions".

(Emphasis)

12. Considering the rival submission, on the conspectus of materials on record, this Court directs the Petitioners to be released on bail on such terms to be fixed by the learned Court in seisin.

13. Registry is requested to send a copy of this order via electronic mode to the Superintendent of the concerned Jail, in addition to the communication through Order Communication Portal (OCP) of this Court.

14. Accordingly, both the BLAPLs stand disposed of.

15. UCC as per rules.

(V. Narasingh)
Judge

Signature Not Verified
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Signed by: SANTOSHI LENKA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 06-Nov-2026 16:52:03