IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.6788 of 2026
CNR No. ODHC010480102026

Charan Mallick ..... ***Petitioner***

Represented by Adv. - Rabi Narayan Mohanty

-versus-

State Of Odisha ..... ***Opposite Party***

Represented by Adv. – M.R. Patra, A.S.C.

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
09.11.2026

Order No.

02. 1. This matter is taken up through Hybrid Mode.

2. Heard learned counsel appearing for the Petitioner and learned Additional Standing Counsel appearing for the State-Opposite Party. Perused the materials placed before this Court.

3. The present bail application under Section 483 of B.N.S.S has been filed by the Petitioner for regular bail in connection with S.T. Case No.24/809 of 2025, arising out of Chandanpur P.S. Case No.166 of 2025, pending in the Court of learned 1st Additional Sessions Judge, Puri for alleged commission of offence punishable under Sections 103(1)/3(5) of the BNS.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 07.08.2025. He further contended that in the meantime investigation has been concluded and the charge sheet has been filed under Section 103(1) of the BNS.

Learned counsel for the Petitioner further brought into the notice of the Court that in the meantime 5 witnesses out of 28 witnesses have been examined including P.W No.2, who happens to be the witness in support of the last-seen theory and on the basis of which, the Petitioner has been implicated in the present case. Learned counsel for the Petitioner specifically submitted before this Court that there are no eye-witnesses to the occurrence and that the entire prosecution case is based on circumstantial evidence. He further contended that the best evidence of the prosecution is that the deceased was last seen with the Petitioner as was stated by P.W.2, who has already been examined and whose deposition has already been recorded by the Court. Referring the deposition of the P.W.2, learned counsel for the Petitioner contended that such witness has turned hostile and he has not supported the case of the prosecution. On such ground, learned counsel for the Petitioner submitted that since there are no other direct material implicating the Petitioner in the alleged crime, the Petitioner be enlarged on bail.

5. Learned Additional Standing Counsel, on the other hand, opposed the bail application of the Petitioner on the ground of gravity and heinousness of the crime. Learned counsel for the State further submitted that death of the deceased was homicidal. It was also contended by the learned counsel for the State that although no eye-witnesses are there, however, there are enough materials to draw a conclusion that the Petitioner was involved in the alleged crime. He further submitted that in course of investigation, the IO has collected circumstantial evidence supporting the implication of the Petitioner in the present crime. Learned counsel for the State further contended that in the event the Petitioner is released on bail at this juncture, the same would cause delay in conclusion of the

trial and that there is every likelihood that the Petitioner might abscond from justice. On such ground, learned counsel for the State objected to the release of the Petitioner on bail.

6. Having regard to the submissions made by learned counsels appearing for the respective parties and on a careful examination of the materials on record as well as the case diary, further taking note of the factual background of the present case, this Court found that the entire case of the prosecution is based on circumstantial evidence and, in other words, there are no eye-witnesses to the occurrence. Therefore, the implication of the Petitioner is to be seen and tested against the touchstone of circumstantial evidence collected by the IO in course of investigation. One of the most important factors on the basis of which the Petitioner has been arraigned as an accused in this case is the last-seen theory as has been narrated by the P.W.2. On perusal of the record, it appears that the deposition of the P.W.2 has already been recorded and he has turned hostile. Therefore, the evidence of such witness is no more available to be relied upon by the prosecution, in support of their case. So far the other materials on behalf of the prosecution are concerned, their veracity shall be tested during the trial and shall be subject to the outcome of such trial. In the aforesaid factual backdrop, this Court is of the view that the Petitioner has made out a good prima facie case for being released on bail.

7. Hence, it is directed that the Petitioner be released on bail in the aforesaid case on furnishing a bail bond of Rs.45,000/- (Rupees Forty-five thousand) with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter.

8. It is open for the Court in seisin over the matter to impose any other conditions as may be deemed just and proper. Violation of any other conditions shall entail cancellation of the bail application.

9. The BLAPL is, accordingly, disposed of.

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(A.K. Mohapatra)
Judge

Anil

Signature Not Verified
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Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 10-Nov-2026 17:26:46