IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL No.11006 of 2026
CNR No. ODHC010813102026

Swarup Kumar Sinha @ Sibu ..... ***Petitioner***

Represented by Adv. - Devashis Panda, S. Panda

-versus-

State Of Odisha ..... ***Opposite Parties***

Mr. M.R. Patra, ASC

Ms. S. Jena, Sr. Adv. for Informant

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
28.10.2026

Order No.

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

2. Heard learned counsel for the Petitioner as well as Ms. Sujata Jena, learned Senior Counsel for the Informant and learned counsel for the State. Perused the application as well as documents annexed thereto.

3. The present bail application under Section 483 of BNSS, has been filed by the Petitioner for regular bail relating to Bidanasi P.S. Case No.182 of 2026, corresponding to G.R. Case No.611 of 2026, pending before the learned J.M.F.C-III (Cog. Taking), Cuttack, for alleged commission of offence punishable under Sections 406, 420, 506 & 34 of IPC.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 25.09.2026. He further submitted

that in the meantime the investigation has been concluded and the final charge-sheet has been filed. Learned counsel for the Petitioner, at the outset, contended that the present FIR arises out of a civil dispute between the parties and the Petitioner has been falsely implicated in the present case. He further submitted that the Petitioner does not have any criminal antecedent. Further, referring to the allegation made in the FIR, learned counsel for the Petitioner contended that the Petitioner, as a broker, facilitated a self-transaction between the Informant and the land owner. It was also emphatically submitted before this Court that the land owner executed a registered sale deed in favour of the Informant. However, the land owner could not deliver the possession of the land. As a result of which, a dispute arose between the land owner and the Informant.

5. Learned Senior Counsel for the Informant, at this juncture, produced a copy of the agreement between the Petitioner & co-accused as well as the Informant. On perusal of the said agreement, it appears that although a registered sale deed was executed in respect of the land in question, however, the Informant could not get delivery of such land despite a sale deed having been executed in his favour. As per the terms of the agreement the Petitioner and the co-accused were required to return a sum of Rs.25,00,000/- (Rupees Twenty-Five Lakhs) to the Informant. Since the money was not refunded, the Informant has lodged the present FIR.

6. By referring to the aforesaid factual dispute, learned counsel for the Petitioner contended that the dispute involved in the present case is in the nature of a civil dispute. In course of his argument, learned counsel for the Petitioner further contended that both the offences under Sections 420 as well as 406 of IPC cannot go together as has been held by the Hon’ble Supreme Court in the latest

judgment. On such ground, learned counsel for the Petitioner prayed for the release of the Petitioner on bail on any stringent terms and conditions.

7. Learned Senior Counsel appearing for the Informant, on the other hand, objected to the release of the Petitioner on bail on the ground of gravity and seriousness of the allegation. Learned Senior Counsel further contented that the dishonest intention or the intention to cheat the Informant was present right from the beginning. She further submitted that although the land doesn't belong to the recorded owner, however, the fraudulent sale deed has been executed and that the Informant has been defrauded to the tune of Rs.25,00,000/- (Rupees Twenty-Five Lakhs). On such ground, learned Senior Counsel appearing for the Informant contented that a case of cheating is well made out against the present Petitioner. On such ground, the Senior Counsel for the Informant prayed for rejection of the bail application of the Petitioner at this juncture.

8. Learned counsel for the State, on the other hand, also objected to the release of the Petitioner on bail. He further submitted that on the basis of the materials collected in course of the investigation, a case is well made out against the present Petitioner. He further submitted that in the event the Petitioner is released on bail, there is every likelihood that he might abscond from justice.

9. Having heard the learned counsels appearing for the respective parties and on a careful examination of the nature and gravity of the allegation as well as the role played by the present Petitioner in the alleged crime, further keeping in view the period of detention of the Petitioner in jail custody, and the fact that the charge-sheet has already been filed, this Court is inclined to release the Petitioner on bail subject to the Petitioner furnishing bail bond

of Rs.50,000/- (Rupees Fifty Thousand) with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter. The release of the Petitioner shall also be subject to such other terms and conditions as is deemed just and proper by the court in seisin over the matter.

10. The release of the Petitioner shall also be subject to following conditions:-

i) the Petitioner shall appear before the learned trial Court on each and every date fixed, unless the appearance is dispensed with specifically by the learned trial Court;

ii) shall not tamper with any prosecution evidence;

iii) shall not indulge in any criminal activities while on bail;

iv) shall secure the alleged amount which has been transferred to the account of the Petitioner, i.e. the Petitioner shall furnish a cash security of Rs.50,000/- (Rupees Fifty Thousand) and a property security of Rs.4,00,000/- (Rupees Four Lakhs) to the satisfaction of the court in seisin over the matter.

Violation of any of the terms and conditions shall entail cancellation of bail.

11. Accordingly, the BLAPL stands disposed of.

Issue urgent certified copy as per Rules.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout
Signature Not Verified
Digitally Signed
Signed by: SANTANU KUMAR ROUT
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 29-Oct-2026 17:09:57