



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL Nos.7068, 8167 & 8283 of 2025

(In the matter of application under Section 483 of the BNSS).

Kelu Charan Behera @ Kalu @ ... Petitioner
Chittaranjan Pattanaik

-versus-

State of Odisha ... Opposite Party

For Petitioner : Mr. B. Nayak, Advocate

For Opposite Party : Mr. T.K. Acharya, Addl. PP
Ms. S. Patnaik,
Advocate(Informant)

CORAM:

JUSTICE G. SATAPATHY

DATE OF HEARING : 03.02.2026

DATE OF JUDGMENT : 13.02.2026

G. Satapathy, J.

1. Since the Petitioner herein is an accused in all the three criminal cases of similar nature in Pipili PS Case Nos. 122 of 2025, 123 of 2025 & 124 of 2025 and the allegation in all those three cases disclose a similar pattern of transaction with the Petitioner being a common link, all these three bail applications are heard together and disposed of by this common order with the consent of the learned counsel for the parties.



2. The Petitioner in these three bail applications U/S.483 of BNSS seeks for grant of bail in connection with Pipili PS Case No.122 of 2025 corresponding to GR Case No.193 of 2025;Pipili PS Case No. 123 of 2025 corresponding to GR Case No. 194 of 2025;and Pipili PS Case No. 124 of 2025 corresponding to GR Case No.195 of 2025 being charge sheeted for commission of offences punishable U/Ss. 336(2)/ 336(3)/ 338/ 339/ 342/ 340(2)/ 319(2)/ 318(4)/ 316(2)/ 61(2)/3(5) of BNS pending in the Court of learned JMFC, Pipili.

3. Facts in precise are that in BLAPL No. 8167 of 2025 which arises out of Pipili PS Case No. 122 of 2025, the informant Pradip Kumar Beuria alleged that acting on the inducement of the Petitioner, he agreed to purchase a piece of land at Khanhapur Mouza belonging to one Ramachandra Pradhan and others and accordingly, settled the amount on 13.11.2024 with payment of advance and it was agreed upon that the subsequent installment would be transacted through bank transfer on the assurance of registration of the sale deed on 18.01.2025, but even after receiving a sum of Rs.



2,05,00,000(Rupees Two Crores Five Lakhs) & some odd amount through admitted bank transaction, the Petitioner did not cooperate for registration of the sale deed which eventually led to registration of FIR in Pipili PS Case No. 122 of 2025. Similarly, in BLAPL No. 8283 of 2025 which arises out of Pipili PS Case No. 123 of 2025 corresponding to GR Case No. 194 of 2025, the same informant namely Pradip Kumar Beuria has alleged that on the inducement of the Petitioner, he agreed to purchase a parcel of land at the same Mouza belonging to one Jagu Pradhan and paid advance money and further installment between November, 2024 and January, 2025, totally more than Rs.50,00,000/-(Rupees Fifty Lakhs), but the land was never registered despite receipt of the consideration amount. More or less is the same allegation in BLAPL No. 7068 of 2025 arising out of Pipili PS Case No. 124 of 2025 corresponding to GR Case No.195 of 2025, wherein the informant alleged that in the month of November, 2024, the Petitioner induced him to purchase a land situated at Mouza Khanhapur by showing forged documents and introducing him by impersonating a



person as land owner Kelu Charan Majhi who had died long ago and pursuant to which, the informant paid of Rs. 5,00,000/- (Rupees Five Lakhs) in cash and Rs. 5,00,000/- (Rupees Five Lakhs) through bank transfer on 13.11.2024 followed by further bank transfer through RTGs for sum of Rs. 38,00,000/- (Rupees Thirty Eight Lakhs) and Rs. 35,85,000/- (Rupees Thirty Five Lakh Eighty Five Thousand) on 16.01.2025 on the assurance that sale deed would be registered on 17.01.2025, however, the Petitioner did not register the sale deed. The investigation in all the three cases resulted in submission of charge sheet for the offences as indicated supra.

3.1. It is, however, alleged by the prosecution that the Petitioner acted as an intermediary from the side of the land owner and facilitated transaction by inducing the informants to part with substantial sum of money, but did not ensure execution of sale deed giving rise to allegation of cheating, criminal breach of trust and allied offences by forging documents. Pursuant to the FIRs & finding complicity, the Petitioner was taken into custody



in all these cases and after being unsuccessful in securing his liberty before the learned District Court is before this Court in these three bail applications.

4. In the course of hearing, Mr. Biswajit Nayak, learned counsel for the Petitioner appearing all these three bail applications submits that the allegation against the Petitioner are motivated and concocted, but the Petitioner has neither any intention to cheat nor has he cheated anybody, rather he being a broker has introduced the land owner to the informants and thereby, he having no *mensrea*, all the allegation brought against the Petitioner are false, however, the Petitioner is a Metastatic Cancer Patient and he is in custody since long and thereby, the Petitioner may kindly be granted bail on that score. Further, Mr. Nayak submits that since the Petitioner is suffering from Stage-IV Metastatic Cancer and undergoing Immuno Therapy in Utkal Cancer Care and he having been granted interim on two spells, but not misusing such liberty in any manner is entitled to bail and the Petitioner has fixed place of abode and in the circumstance, he cannot be considered to avoid the trial



in future and, therefore, the Petitioner may kindly be granted bail on any conditions. It is also submitted by Mr. Nayak that the allegation leveled against the Petitioner is for financial irregularities of Rs. 3.5 Crores, but the Police by way of recovery and freezing the account of the Petitioner has almost all secured an amount of Rs. 1,92,43,580/- and, therefore, there would not be any impediment to grant bail to the Petitioner. On these submissions, Mr. Nayak prays to grant bail to the Petitioner.

4.1. On the other hand, Ms. Shreya Pattnaik, learned counsel for the Informant, however, taking this Court through the facts involved in all these three cases, submits that the Petitioner not only is the prime accused, but also he has induced the informants to part with the money for the purpose of registration of sale deed, but the land having been recorded in the name of dead person in one case, the intention of the Petitioner is palpable from the very beginning to cheat the informant therein and the Petitioner having swindled a sum of Rs. 3.5 Crores of the informants only to cheat them by



producing forged documents with assurance for registration of sale deed, which was never done, the Petitioner, therefore, should not be granted bail. Mrs. Pattnaik further submits that the Petitioner had in fact dishonestly received a sum of Rs. 2.56 Crores through RTGs from the informant Pradip Kumar Beuria, but he has only intention to cheat and thereby, he has never ever tried for registration of sale deed of the land nor returned the money received from the informants and, therefore, the Petitioner being the prime accused of cheating by way of forgery in this case, his bail application may kindly be rejected.

4.2. In addition, Mr. T.K. Acharya, learned Addl. Public Prosecutor, however, by placing the written instruction received from the IIC Pipili PS submits that out of the alleged financial fraud of Rs. 3.5 Crores , an amount of Rs. 35,66,000/- has been recovered and left in the zima of the complainant, but an amount of Rs. 84,82,448/- has been freezed by the Axis Bank on requisition of the Police and one Max Life Insurance Policy for an amount of Rs. 50,36,900/- has also been freezed



and these documents go a long way to say that the Petitioner has intention to cheat and thereby, he despite knowing the land belonging to a dead person in one case has introduced fictitious person as a land owner to the informant in that case and on the assurance of getting the sale deed executed, the Petitioner has swindled Rs. 3.5 Crores from the informants and he, thereby, the principal accused, his bail application may kindly be rejected.

5. After having considered the rival submissions upon perusal of record, before dwelling upon the bail applications on merit, this Court emphasizes that the statutory provision of bail confers wide discretion on the Court either to grant or refuse bail to the applicant, but such exercise of discretion should not be arbitrary or *dehors* the basis principles laid down by different constitutional of Courts in a plethora of decisions. The broad parameters under which discretion has to be considered are based on the following factors:-

"(i) Whether there is prima facie or reasonable ground to believe that the accused has committed the offence;



- (ii) Nature and gravity of the accusations;*
- (iii) Severity of the punishment in the event of conviction;*
- (iv) Danger of the accused absconding or fleeing, if released on bail;*
- (v) Character, behavior, means, position and standing of the accused;*
- (vi) Likelihood of the offences being repeated;*
- (vii) Reasonable apprehension of the witness being influenced and*
- (vii) Danger, of course, of justice being thwarted by grant of bail."*

6. It is, however, apt to state here that a Court while dealing an application for bail should refrain from evaluating or undertaking a detailed assessment of evidence, as the same is not a relevant consideration at the threshold for deciding the bail application, but the Court may examine prima facie issues including any reasonable grounds like whether the accused has committed an offence or the severity of the punishment prescribed for the offence itself, but an extensive consideration of evidence on merits which has the potential to prejudice either the case of the prosecution or the defence is undesirable. It is, thus, deemed appropriate to outrightly clarify that neither the Court should consider the case on merits nor is it desirable for



the Court to comment on the materials/evidence collected by the Investigating Agency.

7. In the aforesaid backdrop of the principle as referred to in preceding paragraphs, when the case of the Petitioner is considered, it needs to be stated that no doubt there is serious allegation against the Petitioner, but it is also stated in the FIR that the informant had allegedly transferred of money not only to the Petitioner, but also to the so-called land owner and other persons in all these three cases which is also evident from the FIRs lodged against the Petitioner and others. It is alleged in Pipili PS Case No. 122 of 2025 that the land owner/accused person namely Smt. Snehalata Swain, Rama Chandra Pradhan & Nabi Dei settled the rate and took advance of Rs. 50 Lakhs from the complainant and after some days, the owner Snehalata is paid for her 50% share, so also Nabi Dei & Rama Chandra Pradhan for their 25% share each. On the other hand, the State has produced the instruction in response to the order dated 21.01.2026 passed by this Court, which reveals that the



alleged amount involved in the respective police cases are quantified as follows:-

(i) In Pipli PS Case No. 122 of 2025, it is Rs. 2,05,45,769/-;

(ii) In Pipli PS Case No. 123 of 2025, the amount is 50,87,500/- and

(iii) In Pipli PS Case No. 124 of 2025, the alleged amount is 78,85,000/-

However, the instruction further reveals that an amount of Rs. 35,66,000/- has been recovered and left in zima of the complainant, an amount of Rs. 84,82,448/- has been freezed by Axis Bank after placing requisition in the Bank and a policy of Max Life Insurance for an amount of Rs. 50,36,900/- has also been freezed. The aforesaid amount either freezed or recovered as per the Investigating Agency would come around Rs. 1,70,85,348/-. Besides, all the offences alleged against the Petitioner appears to be triable by Magistrate, however, the Petitioner was admitted to interim bail on two spells, but he has never misused the liberty so granted to him. Further, the Petitioner was granted interim bail on the ground that he is suffering from Metastatic Cancer which could not be disputed by any of



the OPs and the documents so produced for the Petitioner reveal that he is suffering from Metastatic RCC (Right Kidney-Post Total Nephrectomy) with Bone & Pleural Mets (Stage IV). Further, the medical documents reveal that the Petitioner is at present given Palliative treatment. It is no doubt true that the allegation against the Petitioner and others is for financial fraud to the tune of Rs. 3.5 Crores, but a sum of Rs. 1.7 Crores appears to have been secured. In addition, it is never disputed that the criminal proceedings are not meant for realization of money and the criminal Court exercising jurisdiction to grant custody bail or anticipatory bail is not expected to act as recovery agent to realize the dues of the complainant/informant and that too, without any trial, however, the conduct of the Petitioner in not misusing the liberty speaks in his favour and that also satisfy one of the basic conditions that the Petitioner may not abscond during the trial.

8. The other relevant consideration for grant of bail is the tripod test, such as (i) flight risk; (ii) influencing the witnesses; & (iii) tampering the evidence, but the apprehension of flight risk can be equally addressed to by



directing the Petitioner not to leave the Country by surrendering his passport, if any. It is also stated that the Petitioner has not misused the liberty so granted to him. Further, with regard to influencing the witness, it appears that the allegations in this case are mainly on the documentary evidence of Bank transaction and thereby, there is hardly apprehension of influencing witness or tampering evidence. On the other hand, the principle is that *bail is the rule, but jail is the exception*. Additionally, it is equally important that bail should not be refused as a pre-trial punishment, since the accused has an inherent right to be presumed innocent until proven guilty which principle flows from Article 21 of the Constitution of India which prescribes that no person shall be deprived of his life or personal liberty except according to the procedure established by law. Above all, the Petitioner is terminally ill by suffering from Stage-IV Metastatic Cancer.

9. In view of the above discussions made hereinabove and on a careful conspectus of materials placed on record together with the pre trial detention of the Petitioner in custody and taking into account the



submission of charge sheet in the meantime in all the three cases and the Petitioner having not misused the concession/liberty so granted to him in the form of interim bail and keeping in view the inherent right of the accused to be presumed innocent until proven guilty at the trial and further taking into account the other circumstance on record in entirety including freezing/recovery of an amount of Rs. 1,70,85,348/- from the Petitioner and other accused persons against whom the allegation for taking money from the respective informants being there, this Court considers the bail applications of the Petitioner favourably.

10. Hence, all these three bail applications of the Petitioner stand allowed and he is allowed to go on bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lakh) with two solvent sureties each for the like amount to the satisfaction of the learned Court in seisin of the case in each of the three cases on such terms and conditions as deem fit and proper by it with following conditions:-



- (i) The petitioner shall not leave the country without prior permission of the trial Court,
- (ii) The petitioner shall surrender his passport, if any, and in case, he is not a holder of the same, he shall swear affidavits to that effect and,
- (iii) The petitioner shall cooperate in the trial by attending the Court on each date of posting unless his attendance is dispensed with by the learned trial Court and **In case the petitioner fails without sufficient cause to appear in the Court in accordance with the terms of the bail, the learned trial Court may proceed against the Petitioner for offence U/S.269 of BNS, 2023 in accordance with law,**
- (iv) the petitioner shall inform the Court as well as the IO as to his place of residence during the trial by providing his mobile number(s), residential address, e-mail, if any, and other documents in support of proof of his residence,
- (v) in case the petitioner misuse the liberty of bail and in order to secure his presence, proclamation U/S.84 of BNSS is issued and the petitioner fails to appear before the Court on the date fixed in such proclamation, then, the learned trial Court is at liberty to initiate proceeding against him for offence U/S.209 of the BNS in accordance with law.

11. Accordingly, these three bail applications stand disposed of. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge