



**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**BLAPL Nos.10846, 12759 of 2025 and 1880 of 2026**

(In the matter of applications under Section 483 of  
BNSS, 2023).

**Manas Ranjan Barik** ... **Petitioners**  
**(In BLAPL No.10846 of 2025)**  
**Raju Goswami**  
**(In BLAPL No.12759 of 2025)**  
**Susanta Kumar Samal**  
**(In BLAPL No.1880 of 2026)**

*Mr. S. Mishra, Advocate*  
*(in BLAPL No.10846 of 2025)*  
*Mr. S.C. Mohapatra, Sr. Advocate, along with*  
*Mr. S. Dwibedi, Advocate*  
*(in BLAPL No.12759 of 2025)*  
*Mr. D.P. Dhal, Sr. Advocate along with*  
*Mr. K. Mohanty, Advocate*  
*(in BLAPL No.1880 of 2026)*

-versus-

**State of Odisha (EOW)** ... **Opposite Party**

*Mr. P.S. Nayak, Specially engaged counsel*

**CORAM: JUSTICE G. SATAPATHY**

**DATE OF HEARING :15.05.2026**

**DATE OF JUDGMENT:22.05.2026**

**G. Satapathy, J.**

**1.** These are the bail applications U/S.483 of  
BNSS by the petitioners for grant of bail in connection  
with EOW PS Case No.03 of 2025 corresponding to CT  
Case No.4(C) of 2025 pending in the file of learned

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Presiding Officer, Designated Court, Under OPID Act, Balasore, for commission of offences punishable U/Ss.406/409/420/467/468/471/120-B of IPC, on the main allegation of committing large scale financial fraud and misappropriation of crores of rupees by receiving disproportionate high payment for commercial transaction made with Gandhamardan Loading Agency and Transporting Co-operative Society Ltd. with forged documents after entering into conspiracy with co-accused persons.

**2.** The background of facts giving rise to these three bail applications are that around eighteen years back, one society namely Gandhamardan Loading Agency and Transporting Co-operative Society Ltd, Suakati, Keonjhar (hereinafter referred to as "the society") was created for the development of the affected villages of Gandhamardan Mines, Putulipani Mines and Khandadhar Mines, but since last seven years (2017-18 to 2023-24), the president and the secretary of the aforesaid organization with assistance



of others were/are doing illegal business instead of doing developmental work by taking the loading work of extracted ores from these mines to their own hand without allowing any other organization to do the same and in the process, misappropriating a sum of Rs.40 to 50 Crores annually. It is alleged that the accused persons by forging various documents and showing false expenditure under fictitious heads towards "periphery development of the affected villages and fuel charges" have allegedly misappropriated the amount, which are unearthed in a special audit conducted due to specific complaints. It is further alleged that the funds generated from the monopoly business of loading of iron ores of the society were being allegedly siphoned off by the president & secretary of the society through cash or self cheques without proper supporting documents like work orders or vouchers and by not recording the transactions in the official register. On the aforesaid allegation, one Biswanath Roul has lodged an FIR before Superintendent of Police, EOW Bhubaneswar



against the president Manas Ranjan Barik, secretary Utkal Das and others office bearers of the society paving the way for registration of Bhubaneswar EOW PS Case No.03 of 2025 for commission of offences punishable U/S.406/ 409/ 420/ 467/ 468/ 471/ 120-B of IPC and the matter was investigated into. Finding the complicity of the petitioners, they were taken into custody giving rise to these present bail applications by the petitioners after they became unsuccessful in approaching the PO, Designated Court (under OPID Act), Balasore for securing their liberty.

**3.** This Court has heard Mr. Sitikant Mishra, learned counsel for the petitioner-Manas Ranjan Barik in BLAPL No.10842 of 2025; Mr. Soura Chandra Mohapatra, learned Sr. Counsel who is being assisted by Mr. Suryakanta Dwibedi, learned counsel for the petitioner-Raju Goswami in BLAPL No.12759 of 2025; Mr. Debi Prasad Dhal, learned Sr. counsel who is being assisted by Mr. Koustuv Mohanty, learned counsel for the petitioner-Susanta Kumar Samal in BLAPL No.1880



of 2026 and Mr. Partha Sarathi Nayak, learned Addl. Public Prosecutor in these matters and perused the record.

**4.** Admittedly, the three petitioners have sought for bail, but the petitioner Susanta Kumar Samal in BLAPL No. 1880 of 2026 claims bail for non-compliance of Sec.47 of BNSS r/w Article 22(1) of the Constitution of India and his specific plea in this regard is for non-communication of grounds of arrest in writing to him. Addressing the plea of the petitioner Susanta Kumar Samal, at the outset it appears that the petitioner Susanta Kumar Samal has earlier unsuccessfully approached this Court in BLAPL No. 4127 of 2025 and BLAPL No. 7534 of 2025, but he has never advanced such plea and for the first time, the petitioner Susanta Kumar Samal is taking such plea in this bail application, however, against the common judgment passed in BLAPL No. 7534 of 2025 concerning petitioner Susanta Kumar Samal & BLAPL No. 7952 of 2025 refusing bail to the co-accused and petitioner, the



co-accused Soumya Sankar Chakra @ Raja, who was the petitioner in BLAPL No. 7952 of 2025 had approached the Apex Court in Special Leave to Appeal (Crl.) No(s). 20233/2025, but the counsel appearing therein after arguing for some time sought permission to withdraw the Special Leave Petition and the same was accordingly withdrawn after grant of permission.

**5.** Be that as it may, the safeguard as provided against the arrest and detention by way of constitutional protection guaranteed under Article 22 of the Constitution of India which is the fundamental right of person can be agitated at any time and subsequent action thereon cannot validate the earlier wrong made in compliance of such provision. In arguing non-compliance of Sec.47 of BNSS/Article 22(1) of Constitution of India, Mr. Dhal, learned Senior Counsel places reliance on (i) ***Pankaj Bansal Vrs. Union of India; (2024) 7 SCC 576*** (ii) ***Prabir Purkayastha vs. State (NCT of Delhi); (2024) 8 SCC 254,*** (iii) ***Ram Kishor Arora Vrs. Enforcement Directorate,***



**(2024) 7 SCC 599, (iv) Mihir Rajesh Shah Vrs. State of Maharashtra; (2026) 1 SCC 500 (v) Dr. Rajinder Rajan vs. Union of India Another; 2026 SCC OnLine (SC) 802.** The relevant paragraphs of these decisions as relied on by the learned Senior Counsel are reproduced as under.

**5.1.** In **Pankaj Bansal (supra)**, the Apex Court in Paragraphs-39 & 45 has held as follows:-

**"39.** *We may also note that the language of Section 19 PMLA puts it beyond doubt that the authorised officer has to record in writing the reasons for forming the belief that the person proposed to be arrested is guilty of an offence punishable under the 2002 Act. Section 19(2) requires the authorized officer to forward a copy of the arrest order along with the material in his possession, referred to in Section 19(1), to the adjudicating authority in a sealed envelope. Though it is not necessary for the arrested person to be supplied with all the material that is forwarded to the adjudicating authority under Section 19(2), he/she has a constitutional and statutory right to be "informed" of the grounds of arrest, which are compulsorily recorded in writing by the authorised officer in keeping with the mandate of Section 19(1) PMLA. As already noted hereinbefore, it seems that the mode of informing this to the persons arrested is left to the option of ED's authorised officers in different parts of the country i.e. to either*



*furnish such grounds of arrest in writing or to allow such grounds to be read by the arrested person or be read over and explained to such person.*

**45.** *On the above analysis, to give true meaning and purpose to the constitutional and the statutory mandate of Section 19(1) PMLA of informing the arrested person of the grounds of arrest, we hold that it would be necessary, henceforth, that a copy of such written grounds of arrest is furnished to the arrested person as a matter of course and without exception. The decisions of the Delhi High Court in Moin Akhtar Qureshi and the Bombay High Court in Chhagan Chandrakant Bhujbal, which hold to the contrary, do not lay down the correct law. In the case on hand, the admitted position is that ED's investigating officer merely read out or permitted reading of the grounds of arrest of the appellants and left it at that, which is also disputed by the appellants. As this form of communication is not found to be adequate to fulfill compliance with the mandate of Article 22(1) of the Constitution and Section 19(1) PMLA, we have no hesitation in holding that their arrest was not in keeping with the provisions of Section 19(1) PMLA. Further, as already noted supra, the clandestine conduct of ED in proceeding against the appellants, by recording the second ECIR immediately after they secured interim protection in relation to the first ECIR, does not commend acceptance as it reeks of arbitrary exercise of power. In effect, the arrest of the appellants and, in consequence, their remand to the custody of ED and, thereafter, to judicial custody, cannot be sustained."*



**5.2.** In **Ram Kishor Arora (supra)**, the Apex Court in Paragraph-23 has held as follows:-

**"23.** As discernible from the judgment in Pankaj Bansal case also noticing the inconsistent practice being followed by the officers arresting the persons under Section 19 PMLA, directed to furnish the grounds of arrest in writing as a matter of course, "henceforth", meaning thereby from the date of the pronouncement of the judgment. The very use of the word "henceforth" implied that the said requirement of furnishing grounds of arrest in writing to the arrested person as soon as after his arrest was not mandatory or obligatory till the date of the said judgment. The submission of the learned Senior Counsel Mr Singhvi for the appellant that the said judgment was required to be given effect retrospectively cannot be accepted when the judgment itself states that it would be necessary "henceforth" that a copy of such written grounds of arrest is furnished to the arrested person as a matter of course and without exception. Hence, non-furnishing of grounds of arrest in writing till the date of pronouncement of judgment in Pankaj Bansal case could neither be held to be illegal nor the action of the officer concerned in not furnishing the same in writing could be faulted with. As such, the action of informing the person arrested about the grounds of his arrest is a sufficient compliance of Section 19 PMLA as also Article 22(1) of the Constitution of India, as held in Vijay Madanlal [**Vijay Madanlal Choudhary Vrs. Union of India, (2023) 12 SCC 1 : 2022 SCC OnLine SC 929**]."



**5.3.** In ***Prabir Purkayastha (supra)***, the Apex Court in Paragraph-44 has held as follows:-

*"44. It was the fervent contention of the learned ASG that in Ram Kishor Arora, a two-Judge Bench of this Court interpreted the judgment in Pankaj Bansal to be having a prospective effect and thus the ratio of Pankaj Bansal cannot come to the appellant's aid. Indisputably, the appellant herein was remanded to police custody on 4-10-2023 whereas the judgment in Pankaj Bansal was delivered on 3-10-2023. Merely on a conjectural submission regarding the late uploading of the judgment, the learned ASG cannot be permitted to argue that the ratio of Pankaj Bansal would not apply to the present case. Hence, the plea of Shri Raju, learned ASG that the judgment in Pankaj Bansal would not apply to the proceedings of remand made on 4-10-2023 is misconceived."*

**5.4.** In ***Mihir Rajesh Shah (supra)***, the Apex Court in Paragraphs-66, 66.1 to 66.4 has held as follows:-

*"66. In conclusion, it is held that:*

***66.1. The constitutional mandate of informing the arrestee the grounds of arrest is mandatory in all offences under all statutes including offences under IPC, 1860 (now BNSS 2023);***



**66.2. The grounds of arrest must be communicated in writing to the arrestee in the language he/she understands;**

**66.3. In case(s) where, the arresting officer/person is unable to communicate the grounds of arrest in writing on or soon after arrest, it be so done orally. The said grounds be communicated in writing within a reasonable time and in any case at least two hours prior to production of the arrestee for remand proceedings before the Magistrate.**

**66.4. In case of non-compliance of the above, the arrest and subsequent remand would be rendered illegal and the person will be at liberty to be set free."**

**5.5.** In **Dr. Rajinder Rajan (supra)**, the Apex Court in Paragraphs-20 & 22 has held as follows:-

**"20.** It is no longer *res integra* that supplying the grounds of arrest to the accused in writing before the arrest or, in a given case, under exceptional circumstances, immediately thereafter, is the mandate of the constitutional guarantees provided under Article 22(1) read with Article 21 of the Constitution of India. The ratio of the judgment in *Mihir Rajesh Shah (supra)* conclusively holds that any deviation from the above principle would lead to the arrest of the accused being declared illegal entitling such accused to be released forthwith.

**22.** On going through the arrest memo, we find that it has been prepared in a template format and contains a statement to the effect that the arresting officer had explained the



*grounds of arrest to the accused before the arrest. Thus, the arrest memo, by itself, reflects that the grounds of arrest had been orally explained to the accused before the process of formal arrest was undertaken. Consequently, it was incumbent upon the arresting officer to have supplied the memo of grounds of arrest in writing to the accused two hours prior to producing them before the Magistrate as per the mandate of **Mihir Rajesh Shah** (supra) which apparently has not been followed in this case."*

**6.** In opposing the plea of the petitioner-  
Susanta Kumar Samal, learned State Counsel relies upon the following paragraphs of the decision in **State of Karnataka Vrs. Sri Darshan, (2025) SCC OnLine SC 1702** which reads thus:-

**"20.1. Delay in furnishing the grounds of arrest cannot, by itself, constitute a valid ground for grant of bail.**

**20.1.1.** *The learned counsel for the respondents – accused contended that the arrest was illegal as the grounds of arrest were not furnished immediately in writing, thereby violating Article 22 (1) of the Constitution and Section 50 Cr.P.C (now Section 47 of the Bharatiya Nagarik Suraksha Sanhita). This submission, however, is devoid of merit.*

**20.1.2.** *Article 22(1) of the Constitution mandates that "no person who is arrested shall be detained in custody without being*



*informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice". Similarly, Section 50 (1) Cr.P.C. requires that "every police officer or other person arresting any person without warrant shall forthwith communicate to him full particulars of the offence for which he is arrested or other grounds for such arrest.*

**20.1.3.** *The constitutional and statutory framework thus mandates that the arrested person must be informed of the grounds of arrest – but neither provision prescribes a specific form or insists upon written communication in every case. Judicial precedents have clarified that substantial compliance with these requirements is sufficient, unless demonstrable prejudice is shown.*

**20.1.4.** *In **Vihaan Kumar v. State of Haryana [2025 SCC OnLine SC 456]**, it was reiterated that Article 22(1) is satisfied if the accused is made aware of the arrest grounds in substance, even if not conveyed in writing. Similarly, in **Kasireddy Upender Reddy v. State of Andhra Pradesh [2025 INSC 768]**, it was observed that when arrest is made pursuant a warrant, reading out the warrant amounts to sufficient compliance. Both these post- **Pankaj Bansal** decisions clarify that written, individualised grounds are not an inflexible requirement in all circumstances.*

**20.1.5.** *While Section 50 Cr.P.C is mandatory, the consistent judicial approach has been to adopt a prejudice-oriented test when examining alleged procedural lapses. The mere absence of written grounds does*



*not ipso facto render the arrest illegal, unless it results in demonstrable prejudice or denial of a fair opportunity to defend.*

**20.1.6.** *The High Court, however, relied heavily on the alleged procedural lapse as a determinative factor while overlooking the gravity of the offence under Section 302 IPC and the existence of a prima facie case. It noted, inter alia, that there was no mention in the remand orders about service of memo of grounds of arrest (para 45); the arrest memos were allegedly template-based and not personalised (para 50); and eyewitnesses had not stated that they were present at the time of arrest or had signed the memos (para 48). Relying on Pankaj Bansal v. Union of India [(2024) 7 SCC 576] and Prabir Purkayastha v. State (NCT of Delhi) (supra), it concluded (paras 43, 49 – 50) that from 03.10.2023 onwards, failure to serve detailed, written, and individualised grounds of arrest immediately after arrest was a violation entitling the accused to bail.*

**20.1.7.** *In the present case, the arrest memos and remand records clearly reflect that the respondents were aware of the reasons for their arrest. They were legally represented from the outset and applied for bail shortly after arrest, evidencing an immediate and informed understanding of the accusations. No material has been placed on record to establish that any prejudice was caused due to the alleged procedural lapse. In the absence of demonstrable prejudice, such as irregularity is, at best, a curable defect and cannot, by itself, warrant release on bail. As reiterated above, the High Court treated it as a determinative factor while overlooking the*



*gravity of the charge under Section 302 IPC and the existence of a prima facie case. Its reliance on Pankaj Bansal and Prabir Purkayastha is misplaced, as those decisions turned on materially different facts and statutory contexts. The approach adopted here is inconsistent with the settled principle that procedural lapses in furnishing grounds of arrest, absent prejudice, do not ipso facto render custody illegal or entitle the accused to bail."*

**7.** The upshot of conspectus of the provision of Sec.47 of BNSS read with Article 22(1) of the Constitution of India together with rulings of the Apex Court in the decisions referred to above is the inexorable conclusion that informing/communicating the grounds of arrest to the arrestee forthwith immediate after arrest or two hours prior to his production before the Magistrate in the language he understands is not only the statutory mandate, but also the constitutional guarantee to an accused person and non-compliance thereof shall render the arrest and remand vitiated, however, the mode and manner of communication/informing grounds of arrest to the arrestee has not been prescribed under the statute and it is accordingly provided therein in the statute to



communicate the arrestee the particulars of the offence for which he is arrested or other grounds of such arrest. The petitioner herein takes a specific plea of non-communication of grounds of arrest in writing for non-compliance of Sec. 47 of BNSS, but he has not taken the stand of non-communication of grounds of arrest otherwise. The petitioner mainly relies upon the decision in ***Pankaj Bansal (supra)*** to interpret the word "henceforth" to be reckoned on and from 03.10.2023 which is the date of pronouncement of judgment in ***Pankaj Bansal (supra)*** and according to the petitioner, the same principle has been followed subsequently in ***Ram Kishor Arora(supra)*** and ***Prabir Purkayastha***, but in ***Pankaj Bansal (supra)*** the Apex Court was dealing an issue under PML Act, 2002, however, in ***Mihir Rajesh Shah (supra)*** after noticing the rulings in a host of citations including the ruling of ***Pankaj Bansal (supra)***, the Apex Court while recording conclusion in Paragraph-66 for its applicability to all the offences under all the statutes



including the offences in IPC has further held in Paragraphs-67 & 68 which reads as follows:-

**67.** After having come to the above conclusion, it is pertinent to note that the provision of law **under Section 50 of CrPC (Section 47 of BNSS 2023) does not provide for a specific mode of or time frame for communication of the grounds of arrest to the person arrested.** This Court in **Prabir Purkayastha vs. State (NCT of Delhi); (2024) 8 SCC 254** held that the grounds of arrest be conveyed to the arrestee in writing in all offences at the earliest, which means it need not be given at the time of arrest but within a reasonable time thereafter, for offences under all the statutes, which period would be as has been laid down above in this order.

**68.** We are cognizant that there existed no consistent or binding requirement **mandating written communication of the grounds of arrest for all the offences.** Holding as above, in our view, would ensure implementation of the constitutional rights provided to an arrestee as engrafted under Article 22 of the Constitution of India in an effective manner. Such clarity on obligation would avoid uncertainty in the administration of criminal justice. The ends of fairness and legal discipline therefore demand that **this procedure as affirmed above shall govern arrests "henceforth".**

In addition, the petitioner relies upon the decision in **Dr. Rajinder Rajan (supra)** in which **Mihir Rajesh Shah (supra)** has been applied, but the



principle that has been laid down in Paragraph-68 of **Mihir Rajesh Shah (supra)** has not been distinguished in **Dr. Rajinder Rajan (supra)**. Besides, the petitioner also relies upon the decision in Brijesh Kothia Vrs. State NCT of Delhi 2026; DHC; 4222 (Bail Application No. 439 of 2026) disposed of on 13.05.2026 wherein a single Bench of Delhi High Court has not distinguished the earlier decision of the Division Bench of said High Court in **Karan Singh Vrs. State NCT of Delhi; 2026 SCC OnLine Del. 282**, even after noticing the same. In view of the discussions made hereinabove and applying the law laid down by Apex Court in Paragraphs-67 & 68 of **Mihir Rajesh Shah (supra)**, this Court is of the humble view that communication of grounds of arrest to the arrestee in **writing** may operate prospectively to the arrest on and from the date of pronouncement of judgment in **Mihir Rajesh Shah (supra)** which was delivered on 06.11.2025, but in no circumstance, the total non-compliance of Sec. 47 of BNSS/Article 22(1) of the



Constitution of India is permissible which would vitiate the arrest and remand even prior to 06.11.2025 for non-compliance in terms of the provision of law.

**8.** Even otherwise, coming to the compliance of Sec. 47 of BNS in this case in the light of law laid down by ***Mihir Rajesh Shah (supra)***, it appears that the certified copy arrest memo as enclosed in this bail application indicates the date of arrest of the petitioner-Susanta Kumar Samal to be 19.03.2025 at about 4.30 PM and the said memo not only contains the signature of the arrestee and arresting officer in English, but also it contains the offences for which the petitioner-Susanta Kumar Samal was arrested. Further, the arrest memo also discloses that as there is prima facie evidence against the accused-petitioner for the above offences, he was arrested. Moreover, the petitioner has never taken a stand prior to this bail application that he has not been informed/communicated with grounds of arrest either in writing or otherwise nor does he say in any proceeding that he was not informed of the



grounds of arrest, but the petitioner has in fact approached this Court on earlier two occasions and also approached the Court in seisin over the matter, however, it appears that the petitioner has not taken any such stand till filing of this bail application. Besides, the arrest memo also contains the information of the arrest of the petitioner to his relatives namely Siba Prasad Samal. In the aforesaid situation and circumstance and on consideration of the arrest memo, the plea as advanced by the petitioner for grant of bail for non-compliance of Sec. 47 of BNSS/Article 22(1) of Constitution of India merits no consideration and is accordingly rejected.

**9.** Reverting back to decide the bail application of all the three petitioners on merit, there appears allegation against the petitioners for large scale financial defalcation from the bank account of the society, but the society was in fact created for the development of public of the periphery villages of the area of mining operation. A careful scrutiny of the



materials placed on record reveals allegation against the petitioners for systematic manipulation of records and forgery of documents and unauthorized withdrawal of funds of the society. Besides, it is alleged against the petitioner-Susanta Kumar Samal that he has issued number of self cheques in his own handwriting and there appears allegation against him for misappropriating the society's fund without accounting for withdrawals through self cheques and office bearer cheques. It is also claimed in the investigation by way of examination of Government Officials, like BDO Banspal, BDO, Keonjhar Sadar and Regional Manager OMC that no periphery development has been taken by the society. It is also found at Paragraph-16.6 of the charge sheet that so far the payment of 34.65 crores towards periphery development in mines affected area during the financial period of 2017-18 to 2023-24, the investigating agency on scrutiny of the records did not find any ledger relating to the payment as shown to the parties under this head, excepting some entries made



in the tally register which is being maintained since 2022 and yet no voucher was found against the payments as shown in the tally register and some attendant-cum-worker payment sheets containing worker signatures and thumb impression were produced for verification and such payment sheets were found to be false/fabricated as it lacks any certification by the executants of the work or any authority of the society. Further, the charge sheet also indicates that the detail address of the workers like father's name, village name etc. to whom payments were made have not been reflected in the payments sheets and no work order was issued to the executants for the work.

**10.** It is also stated in the charge sheet that the President and Secretary are the joint authorized signatories of the bank accounts of the society and the petitioner-Manas Ranjan Barik was one of the President of the society at the relevant time and he had allegedly signed self cheques with the Secretary and the self cheques of Rs.12,90,74,000/- **(Rupees Twelve Crore**



**Ninety Lakh Seventy-Four Thousand) Only** was accordingly withdrawn from the society and the copy of seized cheques were in fact produced before this Court in support of such allegation against the petitioner-Manas Ranjan Barik. It is also alleged that a sum of Rs.46,37,027/- was credited to the account of the petitioner-Manas Ranjan Barik vide bank of India Account No. 541320110000061, 541310100006487 & UBI Account No. 510101007314171. It is also alleged that vide resolution dated 12.10.2023 of the Society an amount of Rs.7,36,74,000/- was stated to have been given in advance to Sadasiba Samal, Samir Kumar Jena and Sudhansu Sekhar Nayak towards periphery development and the Board of Management of the society has approved the payments for Rs.7,23,84,800, but during investigation, no periphery development was found.

**11.** The specific allegation against the petitioner-Susanta Kumar Samal is for issuing 51 number of self cheques of the society together with the



President for a sum of Rs.12,90,74,000/- and a sum of Rs.82,34,539/- has been transferred to his account bearing Account No. 541320100000025 maintained at Bank of India from the account of the society, however, the allegation against the petitioner-Raju Goswami is that a sum of Rs.29,60,000/- has been transferred from the account of the society to the account of the petitioner-Raju Goswami maintained at HDFC Bank vide Account No. 50200050479202, but he was neither an employee nor was a member of the society, however, as per charge sheet, the petitioner-Raju Goswami is one of the employee of principal accused Raja @ Soumya Shankar Chakra and he was looking after the maintenance of all the vehicles working under accused Raja Chakra both directly and indirectly. Further, the charge sheet indicates that out of the sum of Rs.29,60,000/- as credited to the account of the petitioner-Raju Goswami, a sum of Rs.8,60,000/- has been withdrawn by accused-Sudhansu Sekhar Nayak on the direction of principal accused-Raja Chakra; a sum



of Rs.3,92,000/- has been transferred to the account of Sankar Minerals (Proprietor principal accused Raja @ Soumya Shankar Chakra); a sum of Rs.5,07,845/- was transferred through RTGs to the account of Empreo Prestige Private Ltd., Bhubaneswar at the instance of Raja Chakra and a sum of Rs.6,00,000/- has been withdrawn by the petitioner-Raju Goswami himself. The allegation against the petitioner-Raju Goswami is for entering into conspiracy with principal accused- Raja @ Soumya Shankar Chakra for misappropriating the aforesaid amount credited to his account.

**12.** It, however, appears that the petitioner-Manas Ranjan Barik has three criminal antecedents vide Keonjhar Sadar PS Case No. 399 of 2021, Keonjhar Sadar PS Case No. 325 of 2027 and Keonjhar Sadar PS Case No. 184 of 2025, whereas petitioner-Susanta Kumar Samal has one criminal antecedent in Keonjhar Sadar PS Case No. 317 of 2015, but neither the petitioner-Manas Ranjan Barik nor the petitioner-Susanta Kumar Samal has disclosed the details of their



criminal antecedents in their respective bail applications, but the petitioner-Raju Goswami has no criminal antecedent. In the context of non-disclosure of criminal antecedent, this Court considers it apt to refer to the decision in ***Munnesh Vrs. State of Uttar Pradesh; 2025 SCC OnLine SC 1319***, wherein at Paragraph 9, the Apex Court has held as under: -

*"9. xx xx xx, since the petitioner has suppressed material facts with regard to his involvement in criminal cases, he is not entitled to the discretionary relief of bail. xx xx"*

**13.** In view of the discussions made hereinabove and taking into consideration the nature and gravity of the offences as alleged against the petitioners vis-à-vis the accusations sought to be brought against them and regard being had to the materials collected in the course of investigation against the petitioners and there being prima facie materials against the petitioners-Manas Ranjan Barik & Susanta Kumar Samal and the investigation prima facie revealing the money trail of serious magnitude and the money of the society being



not utilized for the purpose of the benefit of its beneficiaries or for the periphery development of the villages of area of operation of the mines in terms of the bye law of the society and taking into account the non-disclosure of the details of the criminal antecedent by petitioners- Manas Ranjan Barik and Susanta Kumar Samal, but considering the allegation appearing against the petitioner-Raju Goswami being for entering into conspiracy with co-accused and the petitioner-Raju Goswami being an employee of principal accused- Raja @ Soumya Shankar Chakra and the major amount of money credited to the account of the petitioner-Raju Goswami being diverted at the instance of principal accused- Raja @ Soumya Shankar Chakra and charge-sheet having already submitted with detention of the petitioner-Raju Goswami in judicial custody since 22.09.2025, this Court while not being inclined to grant bail to the petitioners-Manas Ranjan Barik and Susanta Kumar Samal, considers it proper to admit the petitioner-Raju Goswami to bail.



**14.** Hence, the prayer for bail of the petitioners-Manas Ranjan Barik and Susanta Kumar Samal stands rejected, whereas the prayer for bail of the Petitioner-Raju Goswami stands allowed and he be allowed to go on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) only with two solvent sureties for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it.

**15.** Accordingly, the three BLAPLs stand disposed of. Issue urgent certified copy of the order as per Rules. A soft copy of this order be immediately communicated to the concerned Court, who shall afterwards communicate the same to the concerned Jail through e-mail for reference.

**(G. Satapathy)**  
**Judge**

*Orissa High Court, Cuttack,  
Dated the 22<sup>nd</sup> day of May, 2026/Jayakrushna*