A.F.R.

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.968 of 2026
CNR.ODHC010058162026

Debendra Kumar Paik .... ***Petitioner***

-versus-

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

For Petitioner : Mr. T.N. Murty, Advocate

For Opposite Party : Mr. Sovan Panigrahi, ASC
Mr. S.K. Das, Adv.
(Informant)

BLAPL No.2107 of 2026
CNR.ODHC010150172026

Krushna Chandra Behera .... ***Petitioner***

-versus-

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

For Petitioner : Mr. D. Panda, Advocate

For Opposite Party : Mr. Sovan Panigrahi, ASC
Mr. S.K. Dash, Adv.
(Informant)

BLAPL No.3223 of 2026
CNR.ODHC010241332026

Siba Prasad Sahu @ Siba Sankar Sahu .... ***Petitioner***

-versus-

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

For Petitioner : Mr. A.K. Budhia, Advocate

For Opposite Party : Mr. Sovan Panigrahi, ASC

CORAM: JUSTICE V. NARASINGH

DATE OF HEARING : 28.09.2026

DATE OF JUDGMENT : 14.10.2026

V. Narasingh, J.

1. Since all the BLAPLs relate to C.T. Case No.150 of 2025 on the file of the learned District & Sessions Judge, Koraput, Jeypore, arising out of CID (C.B.) P.S. Case No.17 of 2021, on the consent of the parties, they are taken up together and are disposed of by this common judgment.

2. Heard learned counsel for the Petitioners, learned counsel for the State and learned counsel for the Informant.

3. The Petitioners are accused in connection with C.T. Case No.150 of 2025, pending on the file of learned District & Sessions Judge, Koraput, Jeypore, arising out of **CID, CB, P.S. Case No.17 of 2021** for alleged commission of offences under Sections 304[1]/217[2]/218[3]/201[4]/34[5] of the Indian

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[1] **304. Punishment for culpable homicide not amounting to murder**.—Whoever commits culpable homicide not amounting to murder, shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, if the act by which the death is caused is done with the intention of causing death, or of causing such bodily injury as is likely to cause death;

or with imprisonment of either description for a term which may extend to ten years, or with fine, or with both, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death.

[2] **217. Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture**.—Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or subject him to a less punishment than that to which he is liable, or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or any charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

[3] **218. Public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture**.—Whoever, being a public servant, and being as such public

Penal Code, 1860 (hereinafter referred to as "IPC").

4. Learned counsel, on instruction, submits that except the present BLAPLs, no other bail application of the Petitioners relating to the

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servant, charged with the preparation of any record or other writing, frames that record or writing in a manner which he knows to be incorrect, with intent to cause, or knowing it to be likely that he will thereby cause, loss or injury to the public or to any person, or with intent thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or other charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

[4] **201. Causing disappearance of evidence of offence, or giving false information to screen offender**.—Whoever, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of that offence to disappear, with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false,

if a capital offence.—shall, if the offence which he knows or believes to have been committed is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

if punishable with imprisonment for life.—and if the offence is punishable with imprisonment for life, or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

if punishable with less than ten years' imprisonment.—and if the offence is punishable with imprisonment for any term not extending to ten years, shall be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth part of the longest term of the imprisonment provided for the offence, or with fine, or with both.

[5] **34. Acts done by several persons in furtherance of common intention**.—When a criminal act is done by several persons, in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.

aforementioned P.S. case is pending in any other Court.

5. Being aggrieved by the rejection of their applications for bail U/s.483[6] of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the learned Sessions Judge-cum-Special Judge, Koraput, by orders dated 16.01.2026, 17.02.2026 and 26.03.2026 respectively in the

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[6] **483. Special powers of High Court or Court of Session regarding bail**.—(1) A High Court or Court of Session may direct,—

(*a*) that any person accused of an offence and in custody be released on bail, and if the offence is of the nature specified in sub-section (3) of Section 480, may impose any condition which it considers necessary for the purposes mentioned in that sub-section;

(*b*) that any condition imposed by a Magistrate when releasing any person on bail be set aside or modified:

Provided that the High Court or the Court of Session shall, before granting bail to a person who is accused of an offence which is triable exclusively by the Court of Session or which, though not so triable, is punishable with imprisonment for life, give notice of the application for bail to the Public Prosecutor unless it is, for reasons to be recorded in writing, of opinion that it is not practicable to give such notice:

Provided further that the High Court or the Court of Session shall, before granting bail to a person who is accused of an offence triable under Section 65 or sub-section (2) of Section 70 of the Bharatiya Nyaya Sanhita, 2023, give notice of the application for bail to the Public Prosecutor within a period of fifteen days from the date of receipt of the notice of such application.

(2) The presence of the informant or any person authorised by him shall be obligatory at the time of hearing of the application for bail to the person under Section 65 or sub-section (2) of Section 70 of the Bharatiya Nyaya Sanhita, 2023.

(3) A High Court or Court of Session may direct that any person who has been released on bail under this Chapter be arrested and commit him to custody.

aforementioned cases, the present BLAPLs have been filed.

6. Petitioner (Debendra Kumar Paik) in BLAPL No.968 of 2026 is a constable, Petitioner (Krushna Chandra Behera) in BLAPL No.2107 of 2026 is an Additional Sub-Inspector of Police, and Petitioner (Siba Prasad Sahu @ Siba Sankar Sahu) in BLAPL No.3223 of 2026 is an S.I. They have been in custody since 29.08.2025 for allegedly causing the death of one Akash Mahuria in custody on 30.01.2017.

7. It is the case of the prosecution that all three Petitioners are part of a police team, which went to nab the deceased, a history sheeter.

It would be apposite to briefly note the background in which the matter was entrusted to CID (C.B.)

7-A. On 30.01.2017, the Petitioners went to arrest the deceased, Akash Mohuria, who was involved in as many as 14 cases. It was stated that the deceased, in his attempt to evade arrest while fleeing on his motorcycle, fell down on Canal Road and sustained multiple injuries. He was then taken to the SD Hospital, Jeypore, where he was referred to DHH, Koraput, where the deceased succumbed to injuries while undergoing treatment.

7-B. In respect of the incident dated 30.01.2017, which resulted in the death of Akash Mahuria, Jeypore Town P.S. FIR No.33 dated 30.01.2017 was registered at the instance of the Petitioner (Siba Prasad Sahu @ Siba Sankar Sahu) in BLAPL No.3223/2026, against the deceased Akash Mahuria under Section 279[7]/304-A[8] of IPC.

[7] **279. Rash driving or riding on a public way**.—Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Thereafter, on 22.06.2017, final report No.177 was submitted in the said case, which reads as under;

> "xxx xxx xxx
>
> Final report abated against Late Akash Mohuria, submitted Final Form Vide Jeypore Town P.S. Final Form No.177 dated 22.06.2017, U/s.279/304(A) as final report abated against Late Akash Mohuria……and closed the investigation of the case.
>
> xxx xxx xxx"

7-C. Thereafter, the informant, the mother of the deceased, approached the Odisha Human Rights Commission alleging violation of human rights as well as filed W.P.(C) No.18133 of 2017 in this Court seeking compensation and appropriate action against the errant police officials alleging

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[8] **304-A. Causing death by negligence**.—Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

the custodial death of the said Akash Mahuria, stating inter alia that the deceased was beaten to death during the course of his arrest. In the light of the recommendation of the OHRC, CID (C.B.) FIR No.17 of 2021 was registered under Sections 342[9]/323[10]/325[11]/302[12]/506[13]/34[5] of IPC.

8. It is submitted by the learned counsel appearing for the Petitioners that admittedly, since

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[9] **342. Punishment for wrongful confinement**.—Whoever wrongfully confines any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

[10] **323. Punishment for voluntarily causing hurt**.—Whoever, except in the case provided for by Section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

[11] **325. Punishment for voluntarily causing grievous hurt**.—Whoever, except in the case provided for by Section 335, voluntarily causes grievous hurt, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

[12] **302. Punishment for murder**.—Whoever commits murder shall be punished with death, or imprisonment for life, and shall also be liable to fine.

[13] **506. Punishment for criminal intimidation**.—Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

if threat be to cause death or grievous hurt, etc.—and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

the charge sheet has already been submitted and the Petitioners are in custody for more than a year and as all of them have their home and hearth within the jurisdiction of the learned Court in seisin and as trial is not progressing, further continuance of the Petitioners in custody is not warranted and, in fact, is punitive.

8-A. Per contra, it is the submission of the learned counsel for the State, Mr. Sovan Panigrahi, ASC that it is a case of death in custody and taking into account that the Petitioners (Debendra Kumar Paik and Krushna Chandra Behera) in BLAPL Nos.968 and 2107 of 2026, respectively, have been identified by the witnesses and the Petitioner (Siba Prasad Sahu @ Siba Sankar Sahu) in BLAPL No.3223 of 2026 is a named accused, the Petitioners' bail applications do not merit consideration.

8-B. Such submission is refuted by the learned counsels, Mr. Murty and Mr. Panda appearing for the Petitioners in BLAPL Nos.968 and 2107 of 2026, respectively, inter alia, on the ground that the T.I. parade having been conducted after long lapse of time and in view of the wide and adverse publicity, no credence should be attached to such T.I. parade.

9. Such submission is opposed by the learned counsels for the Informant as well as State.

9-A. Learned counsel for the State refers to the statements of identifying witnesses, Babula Pattnaik-CSW.26, regarding the complicity of Debendra Kumar Paik (Petitioner in BLAPL No.968 of 2026) and also refers to the statements of Kanta Kumari Das-CSW.8, Prasad Khillo-CSW.17, Babula Pattnaik-CSW.26 and Shyama Khillo-

CSW.27 relating to the role ascribed to Krushna Chandra Behera (Petitioner in BLAPL No.2107 of 2026) and so far as Petitioner (Siba Prasad Sahu @ Siba Sankar Sahu) in BLAPL No.3223 of 2026 is concerned, he has relied on the statement of Prasad Khillo-CSW.17, Sadan Bagh-CSW.37, Rahul Machha-CSW.5 and Tulu Khosla-CSW.25.

9-B. Learned counsel for the Informant, Mr. Dash, echoing the submissions of the learned counsel for the State, submits that, taking into account the repeated attempts to manipulate the medical records to save the Petitioners and their propensity to influence witnesses, the Petitioners ought not to be enlarged on bail merely on the ground of incarceration.

10. This Court carefully perused the statement of the witnesses under Section 164[14] of

[14] **164. Recording of confessions and statements**.—(1) Any Metropolitan Magistrate or Judicial Magistrate may, whether or not he

has jurisdiction in the case, record any confession or statement made to him in the course of an investigation under this Chapter or under any other law for the time being in force, or at any time afterwards before the commencement of the inquiry or trial:

Provided that any confession or statement made under this sub-section may also be recorded by audio-video electronic means in the presence of the advocate of the person accused of an offence:

Provided further that no confession shall be recorded by a police officer on whom any power of a Magistrate has been conferred under any law for the time being in force.

(2) The Magistrate shall, before recording any such confession, explain to the person making it that he is not bound to make a confession and that, if he does so, it may be used as evidence against him; and the Magistrate shall not record any such confession unless, upon questioning the person making it, he has reason to believe that it is being made voluntarily.

(3) If at any time before the confession is recorded, the person appearing before the Magistrate states that he is not willing to make the confession, the Magistrate shall not authorise the detention of such person in police custody.

(4) Any such confession shall be recorded in the manner provided in Section 281 for recording the examination of an accused person and shall be signed by the person making the confession; and the Magistrate shall make a memorandum at the foot of such record to the following effect:—

"I have explained to (name) that he is not bound to make a confession and that, if he does so, any confession he may make may be used as evidence against him and I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

(Signed) A.B.

Magistrate."

(5) Any statement (other than a confession) made under sub-section (1) shall be recorded in such manner hereinafter provided for the recording of evidence as is, in the opinion of the Magistrate, best fitted to the circumstances of the case; and the Magistrate shall have power to administer oath to the person whose statement is so recorded.

(5-A)(*a*) In cases punishable under Section 354, Section 354-A, Section 354-B, Section 354-C, Section 354-D, sub-section (1) or sub-section (2) of Section 376, Section 376-A, Section 376-AB, Section 376-B, Section 376-C, Section 376-D, Section 376-DA, Section 376-DB, Section 376-E or Section 509 of the Indian Penal Code (45 of 1860), the Judicial Magistrate shall record the statement of the person against whom such offence has been committed in the manner prescribed in sub-section (5), as soon as the commission of the offence is brought to the notice of the police:

Provided that if the person making the statement is temporarily or permanently mentally or physically disabled, the Magistrate shall take the assistance of an interpreter or a special educator in recording the statement:

Cr.P.C. (183 of BNSS) relied on by the prosecution. All the statements unequivocally refer to the factum of the deceased being mercilessly assaulted and the assailants kept on twitting that they are police personnel.

10-A. Shyama Khillo (CSW.27), in his statement under Section 164[14] Cr.P.C., has submitted that he saw one person going on a motorcycle being assaulted with a pipe, resulting in his fall and he also describes the subsequent act of the said person being assaulted and later on being taken in a jeep and he has identified Siba Prasad Sahu @ Siba Sankar Sahu (Petitioner in

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Provided further that if the person making the statement is temporarily or permanently mentally or physically disabled, the statement made by the person, with the assistance of an interpreter or a special educator, shall be videographed.

(*b*) A statement recorded under clause (*a*) of a person, who is temporarily or permanently mentally or physically disabled, shall be considered a statement in lieu of examination-in-chief, as specified in Section 137 of the Indian Evidence Act, 1872 (1 of 1872) such that the maker of the statement can be cross-examined on such statement, without the need for recording the same at the time of trial.

(6) The Magistrate recording a confession or statement under this section shall forward it to the Magistrate by whom the case is to be inquired into or tried.

Corresponding Section: Section 183 of the BNSS.

BLAPL No.3223 of 2026) at the site of occurrence, stating that he (Siba Prasad Sahu @ Siba Sankar Sahu) used to come to the locality for patrolling.

The statement of the said witness read in the context of the allegation assumes significance since it unerringly indicates that even the fall of the deceased from the motorcycle is not accidental as being portrayed.

11. So far as alleged death in custody is concerned, the same has to be treated on a different plane, since the guardians of the life and limb of the citizen are facing the accusation.

The law laid down by the Apex Court in the case of ***D.K. Basu v. State of West Bengal***[15] and ***Nilabati Behera v. State of Orissa***[16] underscores the obligation of the State and its

[15] *D.K. Basu v. State of W.B.,* (1997) 1 SCC 416.
[16] *Nilabati Behera v. State of Orissa,*(1993) 2 SCC 746.

agencies to safeguard the life and dignity of every person in custody.

The constitutional guarantee under Article 21 does not cease to operate qua a person being taken into custody, rather, the duty to ensure his safety assumes greater significance.

12. In this context, reliance can be placed on the dictum of the Apex Court in the case of ***State of Jharkhand v. Sandeep Kumar***[17], which has been quoted with approval by the Apex Court in the case of ***Ajay Kumar Yadav v. State of Uttar Pradesh***[18].

12-A. In the face of allegation of custodial death, the norm that "bail is the rule, jail is the exception", as recognised in ***State of Rajasthan***

[17] *State of Jharkhand v. Sandeep Kumar,* (2024) 14 SCC 265 (Decided on 06.03.2024).
[18] *Ajay Kumar Yadav v. State of U.P., (2024) 13 SCC 678*(Decided on 12.03.2024).

v. Balchand[19] and restated over the years, has to be applied having regard to the nature of the accusation, the material collected during investigation and the likelihood of the accused influencing witnesses or otherwise obstructing the course of justice.

Though the nature of the accusation, by itself, cannot be the sole determinant, the totality of the circumstances must guide the exercise of jurisdiction while considering the prayer for bail.

13. It is trite that while considering the prayer for grant of bail, seriousness of the offence, circumstances which are unique to a case, of the accused to tamper with evidence etc., have to be considered.

The factors which should weigh in consideration of bail application have been

[19] *State of Rajasthan v. Balchand*, (1977) 4 SCC 308.

succinctly stated in the case of ***Prasanta Kumar Sarkar v. Ashis Chatterjee***[20], which reads as under;

> "9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:
>
> (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;

[20] ***Prasanta Kumar Sarkar v. Ashis Chatterjee,*** **(2010) 14 SCC 496.**

(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."

14. Hence, the prayer for bail by the Petitioners, i.e., Debendra Kumar Paik in BLAPL No.968 of 2026, a constable, Krushna Chandra Behera in BLAPL No.2107 of 2026 an Additional Sub-Inspector of Police and Siba Prasad Sahu @ Siba Sankar Sahu) in BLAPL No.3223 of 2026 an S.I. and leader of the team have to be considered in the light of the decisions referred to herein above.

15. It is no longer *res integra* that incarceration alone cannot be the sole ground for releasing an accused. While the period of incarceration is a relevant factor, especially in

view of the presumption of innocence and the sacred right guaranteed under Article 21[21], it cannot be applied universally without considering the specific factual matrix of each case. This principle has to be applied with greater circumspection in a case of this nature, where police personnel, duty-bound to protect citizens' lives, are themselves accused of committing the offence.

Consequently, the mere ground of prolonged incarceration, as urged, cannot be the sole ground to consider the prayer for bail in the facts of the present case.

16. On going through the statements of the witnesses sought to be examined, it is seen that they have not only described the role attributed to the Petitioners in BLAPL Nos.968 and 2107 of 2026, who were identified, but also that of the

[21] **21. Protection of life and personal liberty**.—No person shall be deprived of his life or personal liberty except according to procedure established by law.

Petitioner in BLAPL No.3223 of 2026, who is a named accused. Admittedly, he was the S.I. who led the police party for the apprehension of the deceased, who was a history-sheeter.

16-A. The description of the deceased as a history-sheeter, however, cannot dilute the constitutional protection available to him. The right to life under Article 21[21] is not contingent upon the antecedents or social standing of an individual. The allegation of custodial violence must, therefore, be examined on the basis of the material on record and the applicable legal principles, uninfluenced by the antecedents attributed to the deceased.

At this juncture, this Court can do no better than to refer to the immortal words of Sir Robert Peel[22], *"We are not to forget that the*

[22] *See* Charles Reith, The Blind Eye of History (1952) (attributing the principles to Sir Robert Peel).

policeman is the public and the public is the policeman."

Society governed by the rule of law expects discipline, not death, in custody; for custody is not a licence to keep Constitutional Rights at bay.

17. The medical evidence establishes that the deceased suffered 24 injuries. The post-mortem report is extracted hereunder;

> "The post-mortem examination was conducted at 1.40 P.M/31/1/17 under videography. Videography was conducted by Hrushikesh Samal C/164, of police station Koraput, video camera Panasonic 3CCD CAG xxx xxx
>
> External injuries-
>
> 1. Abraded contusion of 3 cm x 2 cm with swelling over mid occipital area.
> 2. Abrasion of 3cm x 2 cm present over left side cheek just outer to left eye.
> 3. Abraded contusion of size 5 cm x 3 cm present over right side abdomen just below costal margin.
> 4. Contusion present in an area of size 22 cm x 12 cm involving right elbow and posterior aspect of right lower arm.
> 5. 2 nos of abraded contusion of size 4cm x 2 cm and 3cm x 2 cm present over outer aspect of right wrist.

6. Abrasion of size 3cm x1 cm present over right knuckle.
7. Contusion present in an area of size 45cm x 18 cm involving posterior aspect of left arm, left elbow and exterior aspect of left forearm
8. Contusion of size 10cm x 8cm present over dorsum of left hand
9. Abrasion of size 2cm x1cm present over the left index finger
10. 4-5 nos. of small abraded contusions of size 1cm x1cm to 2cm x 1cm present over right scapular area.
11. Abrasion of size 5cm x 3cm present over back of left shoulder close to neck
12. Multiple (10-12 nos) small abrasions and abraded contusion of size ranging from 1cm x 1cm to 3cm x 2cm present in an area of size 30cm x 15 cm over right side lower back.
13. Multiple (8-10 nos) of abrasions and abraded contusions of size 1cm x1cm to 6cm x 2cm present over left side lower back close to hip
14. Multiple small abrasions and contusions of size 0.5cm x 0.5 cm to 3cm x 1 cm present over right hip area in an area size 12cm x 8cm
15. Abraded contusion of size 8cm x 2 cm present over outer aspect of left thigh.
16. Contusion in an area of size 40cm x 24 cm involving outer aspect left lower thigh, left knee and upper half of the left leg.
17. Multiple (8-10nos) small abrasions of size 1cm x 1cm to 4cm x 3 cm present over outer aspect left upper leg.
18. 4 nos of abraded contusions of size 2cm x1cm to 5cm x 3 cm over medial aspect of left upper leg and back of knee.
19. Contusion present over entire lower half of right thigh, right knee and both outer and inner aspect of right leg.
20. Abrasion in an area of size 20cm x 12 cm over from medial aspect of right upper leg.
21. Abrasion in an area of size 15cm x 10 cm over outer aspect of right lower thigh
22. Lacerated wound of size 3cm x 2 cm present over medial aspect of left heel;

23. Lacerated wound of size 2cm x 1 cm present over right heel;
24. Palpable fracture deformity of middle portion of right leg. (right tibia)

On dissection:- Scalp-intact, Skull- 25. Linear fissure fracture of length about 10 cm present on right occipital bone.

Meninges-Intact and congested.

Brain Matter-Inner layer of subdural hemorrhage & sub-arachnoid

hemorrhage present on occipital lobe. Both occipital lobe and frontal lobe contused.

Chest wall-Intact. Both the lungs are intact and pale.

Heart is intact and all chambers are empty.

On cut section of contused part(right & left leg) there is diffused extravasation of blood into the underneath tissues and muscles. On cut section of right leg-fracture and dislocation of middle portion of right tibia and surrounding tissues are hemorrhaged and extravasation of blood.

Opinion:- All injuries are ante mortem in nature and caused due to impact with hard and blunt surface/object."

Per contra, it is submitted by the learned counsel appearing for the Petitioners that the injuries sustained by the deceased are accidental in nature and caused because the deceased fell down from the motorcycle and to substantiate the

submission, they referred to medical opinions given by the medical officers.

The contention was vehemently objected by the learned counsel appearing for the state as well as the informant, contending the injuries are resultant of the assault made by the Petitioners and only to justify the unjustified, attempt has been made to give it a colour of accident and such brazen attempt is evident from the multiple medical opinions sought in this regard.

18. The Petitioners are police personnel, who are alleged to have been involved in an occurrence resulting in alleged custodial death. Considering the nature of the allegations, the materials on record, particularly the statements of the witnesses and the circumstances noticed hereinabove, the medical evidence indicating 24 injuries on the person of the deceased, the allegations regarding attempts to obtain multiple

medical opinions solely to suit the Petitioners and absolve them of the charges and the apprehension of the witnesses, who have sought protection, this Court is of the considered view that the Petitioners' release at this stage would undermine the sanctity of the trial.

Hence, in the facts and circumstances of the case, this Court is **not inclined** to grant bail to the Petitioners at this stage.

However, the Petitioners shall be at liberty to renew their prayer for bail before the Trial Court, if so advised, upon examination of the material witnesses.

Needless to state, in the event such an application is made, the same shall be considered on its own merit.

19. At the cost of brevity, it is stated that the observations made herein are confined to the

adjudication of the present bail applications and shall not be construed as an expression of opinion by this Court on the merits of the allegation qua the Petitioners, which has to be established in an independent manner, in the trial.

Learned Court in seisin shall make an endeavour to conclude of the trial as expeditiously as possible.

Accordingly, the BLAPLs stand disposed of.

(V. Narasingh)
Judge

Orissa High Court, Cuttack,
Dated the 14th October, 2026/Santoshi
14.10.2026/Uploaded

Signature Not Verified
Digitally Signed
Signed by: SANTOSHI LENKA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 14-Oct-2026 19:39:10