



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NO.4645 of 2026
CNR NO.ODHC010341822026

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

Sunil Mallick and others ... ***Petitioners***

-versus-

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

For Petitioner : ***Mr. R.P. Kar, Sr. Advocate***
along with Mr. B.P. Mishra,
Advocate

For Opposite Party : ***Mr. T.K. Acharya, Addl. PP***

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:08.09.2026(ORAL)

G. Satapathy, J.

1. This is a bail application U/S.483 of BNSS by the petitioners for grant of bail in connection with Cuttack Sadar PS Case No.214 of 2026 corresponding to GR Case No.467 of 2026 pending in the file of learned JMFC(R), Cuttack for commission of offences punishable U/Ss.140(3)/140(2)/115(2)/303(2)/351(2)/3(5) of BNS, on the main allegation of abducting the victim-informant for repayment of Rs.2 Lakhs, which was received by him towards advance for



arranging a piece of land to the petitioner No.1 and assaulting the informant as well as taking away his gold chain and a sum of Rs.2,000/- through PhonePe.

2. Heard, Mr. Rudra Prasad Kar, learned Senior Counsel, who is being assisted by Mr. Bibhu Prasad Mishra, learned counsel for the petitioners and Mr. T.K. Acharya, learned Additional Public Prosecutor in the matter and perused the record together with the affidavit sworn in by the Inspector-in-Charge, Sadar Police Station, Cuttack.

3. Pursuant to an order passed by this Court on yesterday, the IIC, Sadar PS, Cuttack appeared in person and expresses remorse for the typographical mistake occurred in the contents of the affidavit regarding date of apprehension of the accused persons as 29.03.2026 instead of correct date of 28.03.2026. Accordingly, the IIC, Sadar PS, Cuttack by way of a written apology prays to leave him for the first time and, accordingly, the IIC, Sadar PS, Cuttack Mr. Tusar Kanta Sethi is advised to remain



careful in future while swearing an affidavit to be produced before a Court of law. The personal attendance of the IIC, Sadar PS, Cuttack Mr. Tusar Kanta Sethi stands dispensed with.

4. Admittedly, the petitioners have set up the plea of con-compliance of Section 58 of BNSS r/w Article 22(2) of the Constitution of India for grant of bail. The constitutional safeguard under Article 22(2) of the Constitution of India provides that no person shall be detained in custody beyond 24 hours without an authority of the Magistrate. In this case, not only from the record, but also from the statement of the IIC as made today, it is found that the accused petitioners were apprehended on 28.03.2026, but they were produced before the Court after 4.40PM on 30.03.2026 as evident from the copy of the command certificate annexed to the affidavit of the IIC, Sadar PS, Cuttack. No doubt, the accused petitioners were apprehended in the jungle near Phulbani in the district of Kandhamal on 28.03.2026, but no time has been stated or mentioned on any document on



record, however, considering the production of the accused-petitioners before the Court after 4.40PM on 30.03.2026 and their apprehension on 28.03.2026 and excluding the 10 hours' time necessary for journey between the place of arrest and to the Court at Cuttack, which would be roughly around 260kms, the time consumed by the investigating agency to produce before the Court should be more than 40 hours. It is, therefore, clear that the accused petitioners have been detained in custody beyond 24 hours without any authority of a Magistrate and, thereby, they are entitled to the discretionary relief of bail inasmuch as the arrest of the accused petitioners and their subsequent remand are considered to be vitiated for not being produced before the Magistrate within the constitutional time limit of 24 hours excluding the time necessary for journey from the place of arrest of the accused to the Court of Magistrate. In view of the aforesaid facts and circumstance and on consideration of materials placed on record, this Court without expressing any



view on merits admits each of the petitioners to bail for non-compliance of Section 58 of BNSS r/w Article 22(2) of the Constitution of India.

5. Hence, the bail application of the petitioners stands allowed and the petitioners are allowed to go on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each with one solvent surety for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions **except cash surety** as deem fit and proper by it.

6. Accordingly, the BLAPL stands disposed of. 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 8th day of September, 2026/Subhasmita*