



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1447 of 2026

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

LachaMadi

....

Petitioner

-versus-

State of Odisha

....

Opposite Party

For Petitioner

: Mr. S.Mishra, Advocate

For Opposite Party : Mr. S.C.Pradhan, Addl. PP

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:25.03.2026(ORAL)

G. Satapathy, J.

1. This is the bail application U/S.483 of BNSS by the petitioner for grant of bail in connection with Motu PS Case No.153 of 2024 corresponding to CT Case No.20 of 2025(GR Case No. 619 of 2024) pending in the file of learned Addl. Sessions Judge, Malkangiri for commission of offences punishable U/Ss.103/3(5) of BNS, on the main allegation of committing murder of one BadiBhima by assaulting him with crowbar, along with co-accused persons.

2. Heard Mr. Satyanarayan Mishra, learned counsel for the petitioner and Mr. S.C.Pradhan, learned Addl. PP in the matter and perused the record.



3. The only ground that is advanced for grant of bail to the petitioner is non-compliance of Sec. 47 of BNSS read with Article 22(1) of Constitution of India, but Sec. 47 of BNSS provides that the arresting officer shall communicate to the arrestee forthwith the particulars of the offence for which the arrestee is arrested or other grounds for such arrest, however, in this case on perusal of arrest memo, it is found at Col. No.04 therein the grounds of arrest as follows:-*"As prima facie evidence U/S. 103(1) of BNS well established against the above noted accused person, his arrest is made."*

4. The aforesaid arrest memo was not only signed by the arresting officer, but also by the arrestee and, therefore, the communication of grounds of arrest to the petitioner is in the line of Sec. 47 of BNSS. Besides, the learned counsel for the petitioner raised one point that the copy of written communication of grounds of arrest has not been made over to the petitioner in this case, but in this regard, this Court considers it apt to refer to the decision of the Apex Court in ***Mihir Rajesh Shah Vrs. State of***



Maharashtra; (2026) 1 SCC 500, wherein it has been held at Paragraph-68 as under:-

*"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**."*

5. On a plain reading of the aforesaid law laid down by Apex Court, it appears that the written communication of grounds of arrest to the arrestee is applied prospectively from the date of delivery of judgment in **Mihir Rajesh Shah(supra)** which has been rendered on 06.11.2025, but the arrest in the present case relates back to 31.10.2024 and, therefore, the contention/plea of the petitioner is found unmerited. On a careful perusal of the arrest memo together with the law laid down by the Apex Court in **Mihir Rajesh Shah(supra)**, this Court hardly finds the arresting officer to have not complied the mandatory provision of Sec. 47 of BNSS and, therefore, the plea as



advanced for the petitioner appears to be unmerited and is liable to be rejected.

6. Even otherwise on merit, the petitioner is allegedly found to have committed the offence U/s. 103(1) of BNS and there is prima facie materials against the petitioner for such offence in view of the submission of charge sheet by the investigating officer. Besides, the trial is yet to commence and material witnesses are yet to be examined. In the aforesaid facts and situation, this Court does not consider it proper to grant bail to the petitioner on merit at this stage.

7. Hence, the bail application of the petitioner stands rejected and disposed of. The petitioner is, however, at liberty to renew his prayer for bail after examination of material witnesses.

(G. Satapathy)
Judge

*Orissa High Court, Cuttack,
Dated the 25th day of March, 2026/Kishore*