



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9219 of 2025

Samira Kumar Sahoo

Petitioner

Represented By Adv. –
M/s. Bijaya Kumar
Behera, Adv.

-versus-

State of Odisha

Opposite Party

Represented By Adv. –
Mr. Partha Sarathi Nayak,
A.G.A.

BLAPL No.9241 of 2025

Jyotiprakash Biswal

Petitioner

Represented By Adv. –
Mr. P.K. Parhi, Adv. along
with Mr. P.K. Mishra,
Adv.

-versus-

State of Odisha

Opposite Party

Represented By Adv. –
Mr. Partha Sarathi Nayak,
A.G.A.

BLAPL No.9242 of 2025

Subhra Sambit Nayak

Petitioner

Represented By Adv. –
Mr. P.K. Parhi, Adv. along
with Mr.B.Parhi &
Mr.S.Suman

-versus-

State of Odisha

Opposite Party

Represented By Adv. –
Mr. Partha Sarathi Nayak,
A.G.A.



BLAPL No.9739 of 2025

Dillip Kumar Ghose

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Petitioner

Represented By Adv. –
Mr. D.P. Dhal, Senior
Advocate along with
Mr.A.Ray, Advocate

-versus-

State of Odisha

.....

Opposite Party

Represented By Adv. –
Mr. Partha Sarathi Nayak,
A.G.A.

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

22.10.2025

Order No.

02. 1. The abovenoted bail applications have been preferred by the Petitioners who have been implicated as an accused in Sahadevkhunta P.S. Case No.229 dt.12.07.2025 which corresponds to C.T. Case No.498 of 2025 pending in the file of learned S.D.J.M., Balasore for alleged commission of an offence punishable under Sections 75(1)(ii), 78(2), 79, 351(2), 108, 3 (5) of the Bharatiya Nyaya Sanhita (BNS), 2023. Since the factual background in all the four bail applications are identical and arise out of a single F.I.R. registered at Sahadevkhunta P.S., Balasore, the same were clubbed together, heard analogously and is being



disposed of by the following common order.

2. Heard Sri B.K. Behera, learned counsel for the Petitioner in BLAPL No.9219 of 2025, Mr. P.K. Parhi, learned counsel for the Petitioners in BLAPL No.9241 of 2025 and BLAPL No.9242 of 2025, Sri D.P. Dhal, learned Senior Counsel for the Petitioner in BLAPL No.9739 of 2025 as well as Mr. Partha Sarathi Nayak, learned Additional Government Advocate on behalf of the State-Opposite Party. Perused the case diary as well as other materials placed before this Court for consideration at the time of hearing of the bail applications.

3. The common factual background arising out of Sahadevkhunta P.S. Case No.229 of 2025 leading to filing of the abovenoted four bail applications at the instance of different accused persons, as culled out from the F.I.R. story, in short, is that one Arijit Dey, who happens to be the cousin brother of the victim, lodged the First Information Report (F.I.R.) before the I.I.C., Sahadevkhunta P.S., Balasore inter alia alleging that his cousin sister, who is aged about 20 years, was a student of Fakir Mohan Autonomous College, Balasore and she was prosecuting her studies in the subject of Integrated B.A. with English honours and was a student of +3 2nd year of the abovenoted college. It has been



specifically alleged in the F.I.R. that the Assistant Professor and Head of the Department of Teachers Education, namely, Shri Samira Kumar Sahoo was demanding sexual favour from the victim. Since the victim did not agree to the proposal of the abovenamed Assistant Professor, she was subjected to various kind mental harassment and torture. Although a written complaint was lodged by the victim before the Principal of the College, namely, Dillip Kumar Ghose, however, the same did not yield the desired result and no steps whatsoever were taken by the college authorities including the principal of the college. On the contrary, she was also subjected to mental harassment by the principal and the college authorities. No action was taken against the above-named accused-Samira Kumar Sahoo. Rather, the victim was cautioned to listen to the above-named accused-Assistant Professor, failing which she was threatened to be thrown out of the college. She was also threatened of being failed in the examination, which would then doom her future.

While the matter stood thus, on 12.07.2025 at about 12.00 P.M to 12.30 P.M, the victim was summoned by the above-named accused-Samira Kumar Sahoo to the office and she was compelled to beg apology and was asked to withdraw the complaint she has



lodged against the accused-Assistant Professor, namely, Samira Kumar Sahoo. She was further threatened that if she fails to act in the manner as has been directed by the accused Assistant Professor she will be subjected to physical as well as mental harassment which would eventually defame her and she will be compelled to commit suicide. In the F.I.R the allegation made by the informant is against the Principal and the above-named accused-Samira Kumar Sahoo. As a result of aforesaid harassment, the victim tried to commit suicide. It has also been alleged that the principal of the college as well as the accused-Assistant Professor are squarely responsible for the victim taking such drastic step. At the time of the lodging of the F.I.R, the victim was undergoing treatment at AIIMS, Bhubaneswar. Consequently, the victim succumbed to her injuries. After registration of the F.I.R, the I.O started the investigation.

4. Consequent upon registration of the F.I.R and commencement of the investigation, two accused persons who have been named in the F.I.R, namely, Samira Kumar Sahoo and Dillip Kumar Ghose along with the present Petitioners were arrested in connection with the present case. Although the named accused persons moved bail applications before the learned trial court, the



same appears to have been rejected by the learned trial court as the investigation was in progress. Moreover, a ground was taken in the bail applications by the named accused persons that the arrest of the named accused persons is bad in law as they were not informed of the grounds of arrest in the arrest memo. On a close scrutiny of the arrest memo, the learned trial court has arrived at a finding that the accused persons have indeed been informed about the grounds of arrest as is required under the law and, as such, the learned trial court has opined that the mandatory procedure of B.N.S.S has been duly followed in the present case while arresting the accused persons and forwarding them to the custody. Such order of the learned trial court rejecting the bail applications of the named accused persons has also been confirmed by the learned Sessions Judge, Balasore.

5. Learned counsel appearing for the Petitioner, namely, Samira Kumar Sahoo in BLAPL No.9219 of 2025 pleaded before this Court that the F.I.R story clearly reveals that the victim committed suicide by pouring petrol on her body and afterwards although she was shifted to the hospital for the treatment, however despite the best efforts of the doctors, the victim succumbed to the injury on 14.07.2025 at AIIMS, Bhubaneswar. It has also been stated that the



Petitioner has no nexus with the suicide committed by the victim and that the Petitioner has not played any role at all in the alleged crime. It has also been alleged that the deceased is an active member of an organisation affiliated to a political party and that she had contested for the post of President in the college election. Since there were some disputes and differences regarding the same, it eventually led to the unfortunate incident in which the Petitioner had no role at all. It has also been stated that the investigation has been handed over to the Crime Branch and that the same has progressed substantially. So far, no incriminating material has been collected by the Investigating Agency during such investigation which would conclusively establish the involvement of the present Petitioner in the alleged crime. It has also been alleged that the rejection of the Petitioner's bail application by the learned SDJM, Balasore initially, thereafter, by the learned Sessions Judge, Balasore is illegal and arbitrary. Learned counsel for the Petitioner further submitted that the Petitioner is a government servant and permanent resident of Balasore district and that since the investigation is nearing completion, further keeping in view the fact that there is no chance of absconding, the Petitioner be enlarged on bail.



6. Mr. D.P. Dhal, learned Senior Counsel representing the accused Dillip Kumar Ghose, who was the Principal of F.M Autonomous College at the relevant point of time. Learned Senior Counsel at the outset contended that on 30.06.2025, the victim reported the incident of mental torture by accused-Samira Kumar Sahoo to Dillip Kumar Ghose, who was the Principal of the college. On 01.07.2025, 50 to 60 students of the college gheraoed the Petitioner and demanded an inquiry into the allegations of the victim. Basing on such incident, the Petitioner had directed for constitution of an Internal Complaint Committee (in short "ICC") and to submit a report within 15 days by his order dated 27.05.2023. The ICC submitted its report on 09.07.2025 to the Petitioner. Thereafter, on 12.07.2025 the victim approached Dillip Kumar Ghose to enquire about the report of the committee and she was informed that there were no finding of sexual harassment by the HOD as alleged in the complaint. On the very same day, the victim poured petrol over her body and set herself on fire outside the accused-Principal's chamber in her attempt to commit suicide. Though the Petitioner was arrested on 14.07.2025, it is argued by Mr. Dhal, learned Senior Counsel for the Petitioner that the Petitioner was not informed of the grounds of arrest which is contrary to the settled legal position. He further submitted that



although the Petitioner moved a bail application before the learned SDJM, Balasore, thereafter, the learned Sessions Judge, Balasore. However, both the courts have failed to appreciate the law enshrined in Section 47 and 48 of the BNSS, 2023. Further, the learned trial courts have also lost sight of an important provision like Article 22 (1) of the Constitution of India.

In course of his argument, Mr. Dhal, learned Senior Counsel for the Petitioner laid emphasis on non-compliance of the statutory requirement as provided in Section 47 and 48 of the BNSS, 2023 and as mandated under Article 22 of the Constitution of India. Inasmuch as, the grounds of arrest of the Petitioner were not furnished to the Petitioner at the time of arrest. As such, it was alleged that the further detention of the Petitioner in custody pursuant to an illegal arrest memo, which is contrary to the provisions of law as well as the constitution, is unsustainable in law and that the arrest of the Petitioner is completely illegal and arbitrary. While emphasizing the communication of the grounds of arrest as required under Section 47 and 48 of the BNSS, 2023 and Article 22 of the Constitution, the learned Senior Counsel for the Petitioner alleged serious infringement of Petitioner's fundamental right and, as such, the very detention of the Petitioner in custody



was questioned on the ground that such detention is invalid in law. Learned Senior Counsel for the Petitioner, referring to various judgments of the Hon'ble Supreme Court, laid stress on the ground that the requirement of informing the person of his grounds of arrest is not a mere formality, but a mandatory requirement under the constitutional principles as included in Article 22 of Part-III of the Constitution of India.

In course of his argument, Mr. Dhal, learned Senior Counsel for the Petitioner argued that the forwarding report dated 03.08.2025 of the co-accused, Subhra Sambit Nayak, would reveal that the victim was in constant touch with him before the incident and that she has been instructed by him to pour petrol on herself. It was also alleged that on the date of occurrence i.e. 12.07.2025, before approaching the Principal, the victim had also procured petrol from the nearby petrol pump as instructed by the co-accused, Subhra Sambit Nayak. He further explained the steps taken by the accused-Principal of the college, i.e. counselling the victim and constitution of the committee to ascertain the veracity of the allegation, have been taken within the framework of law by the accused-Principal. As such, it was argued that no fault can be found with the conduct of the accused-Principal who is an innocent



person and has been falsely implicated in the present crime. On such ground, learned Senior Counsel urged before this Court that the Petitioner be released on bail on any stringent terms and conditions deemed fit by this Court.

7. Mr. P.K. Parhi, learned counsel appearing for the accused-Subhra Sambit Nayak (in BLAPL No.9242 of 2025) pleaded before this Court that the Petitioner was initially not named in the F.I.R. On the basis of such fact, it was argued that the petitioner had neither any involvement in the alleged crime nor any specific role has been ascribed to him at the instance of the informant. He further submitted that in course of investigation, the Petitioner was arrested on 03.08.2025 and he has forwarded to jail custody. His bail application having been rejected by the learned SDJM, Balaosre as well as learned Sessions Judge, Balaosre, the Petitioner has approached this Court by filing the present bail application. In course of his argument, learned counsel for the Petitioner contended that there is no incriminating material collected during investigation to establish the involvement of the present Petitioner in the alleged crime. It has also been stated that the Petitioner is a former student of F.M Autonomous college and was a member of the Student Union along with the deceased. He further clarified that



both the Petitioner and the deceased were part of the Student Union, the deceased being junior to the Petitioner. He further submitted that as the deceased was being harassed by the college authority, she had earlier complained before the Petitioner. He further submitted that the Petitioner, being a member of the college student union, had participated in the protest against the accused-Samira Kumar Sahoo, who had mentally harassed the victim and had asked for sexual favour from the victim. Learned counsel for the Petitioner further contended that the Petitioner is a student and that he had no role in the alleged crime other than participating in the protest against the accused-HOD. With regard to the telephonic conversation between the two, learned counsel for the Petitioner submitted that they both belong to the student organisation i.e. ABVP, therefore, they had a cordial relationship and were communicating with each other over phone. Thus, it was submitted on behalf of the Petitioner that on the basis of the aforesaid phone conversation, it cannot be construed that the Petitioner had any role in the alleged crime and it cannot be said that the Petitioner had instigated the deceased to commit suicide. He further submitted that the Petitioner, who is a young boy, aged about 22 years and has just completed +3 Science with Physics honours and has applied for admission into Post Graduate Course. He further submitted that the



Petitioner is preparing for Civil Services examination and unless he is released on bail, his career is likely to be doomed. It was also emphasised that the investigation which has progressed substantially does not require the custodial interrogation of the Petitioner and that there is neither any risk of him tampering with the evidence, or fleeing away from justice as he is a permanent resident of Bhadrak district.

8. Heard Mr.P.K. Parhi, learned counsel appearing for accused-Jyotiprakash Biswal. At the outset, learned counsel for the Petitioner contended that the Petitioner has not been named in the F.I.R and that no specific allegation has been made as against the present Petitioner. He further submitted in course of investigation, the Petitioner was arrested and detained in judicial custody since 03.08.2025 for no valid reason. Learned counsel for the Petitioner strongly objected to the rejection of his bail application by the learned SDJM, Balasore as well as the learned Sessions Judge, Balasore. Challenging such illegal rejection of the bail application, the Petitioner has approached this Court by filing the present bail application. The grounds taken in the present bail application are somewhat identical to the one taken by the Petitioner in BLAPL No.9242 of 2025. Learned counsel for the Petitioner at this juncture



submitted that the main ground of rejection of Petitioner's bail application by the learned Sessions Judge, Balasore is that the Petitioner was found to be making a video of the girl during her self-immolation. The aforesaid fact was seriously disputed by the learned counsel for the Petitioner. He further submitted that the aforesaid fact can only be gone into at the time of trial once the evidence is led and that the same cannot be a ground to reject the bail application. Further, referring to the statement of the witnesses recorded under Section 180 of the BNSS, learned counsel for the Petitioner submitted that such statement of the witnesses nowhere mention that the Petitioner has in any manner instigated or provoked the deceased to take such extreme step or to set fire onto herself. He further emphatically argued that the present petitioner in fact had tried to save the deceased. As such, it cannot be presumed that he had instigated the deceased for taking such an extreme step. Moreover, there is no such material coming forth from the side of the prosecution with regard to the allegation made against the present Petitioner. He further submitted that the deceased and the Petitioner belonged to the same student organisation and that the present Petitioner was only a follower of the deceased who was aspiring to contest for the post of President of the College Union. Finally, learned counsel for the Petitioner contended that there is



not an iota of evidence whatsoever against the present Petitioner. Thus, the allegation against the present Petitioner is stated to be an abstract imagination of the police and that the same is neither supported by any oral testimony nor based on any record. Finally, learned counsel for the Petitioner submitted that the Petitioner is aged about 18 years and is continuing his studies. Unless the Petitioner is released on bail, he is likely to suffer irreparable mental agony and harassment.

9. Mr. Partha Sarathi Nayak, learned Additional Government Advocate at the outset supported the rejection of the Petitioners' bail applications passed by the learned SDJM, Balasore and, thereafter, by the learned Sessions Judge, Balasore. He further contended that such rejection orders do not call for any interference by this Court especially considering the gravity and magnitude of the crime that has been alleged in the F.I.R. Learned Additional Government Advocate in course of his argument, stated before this Court accused-Samira Kumar Sahoo and accused-Dillip Kumar Ghose have been specifically named in the F.I.R and there are materials against them which has led to the victim committing suicide. He further submitted that the present case has shocked the conscience of the society and it has also created law and order



problem in the locality. He further contended that considering the gravity and seriousness of the allegation and the magnitude of the crime, the investigation has been handed over to the Crime Branch. Since the Crime Branch is investigating into the matter, the release of the Petitioners at this juncture would have an adverse impact on the investigation. He further submitted that considering the nature of the allegation, the custodial interrogation of the Petitioners would be highly required. In course of his argument, learned Additional Government Advocate also cited the severity of the punishment that is likely to be inflicted in the event the Petitioners are found guilty of the offences alleged. It was also brought to the notice of the Court that since the incident has created an uproar in the State of Odisha and the entire society is disturbed, the release of the Petitioners at this stage would shake the faith of the public in the entire system of judiciary. Finally, learned Additional Government Advocate for the State submitted that in view of the materials collected so far during the investigation, a clear case is made out against the present Petitioners and awaiting the final charge sheet, the bail applications of the Petitioners be rejected at this stage.

10. On a careful analysis of the factual background of the present



case and on meticulous consideration of the submissions made by learned counsels appearing for the respective parties, this Court at the outset would like to observe that the alleged crime in the present case is one of the most shocking incidents that have taken place in the recent past. Such incident has shocked the conscience of the people of the State of Odisha. The F.I.R allegation reveals that the victim who was a student of F.M Autonomous College, Balasore committed self-immolation by pouring petrol over her body. Although she was later shifted to the AIIMS, Bhubaneswar for treatment, however, during such treatment the victim unfortunately succumbed to her injuries. It is not very difficult to understand the genesis of the thought-process which led to such a drastic step being taken by a young girl student; it is out an out the hierarchy of the college administration and that inaction towards the harassment complained by the victim. This Court further observes here that although several laws have been enacted and several steps have been taken by the judiciary as well as the administrative machineries to prevent such kind of occurrences. However, this Court painstakingly notes here that all such steps have gone in vain and that the society has collectively failed to save the life of a young girl. The inaction of the college authorities would be the sole reason for the deceased taking such an extreme



step. Since the case is still under investigation by the Crime Branch, this Court prefers to refrain from making any further observation as the same might eventually affect a free and fair investigation as well as trial. Having said that, this Court is also aware of legal formalities to be followed while considering the bail application of the accused-Petitioners.

11. As has been stated earlier, since all the four bail applications arise out of a common F.I.R involving a solidary incident, all these bail applications were taken up together for consideration by this Court. So far accused-Samira Kumar Sahoo, the Petitioner in BLAPL No.9219 of 2025 and Dillip Kumar Ghose, the Petitioner in BLAPL No.9739 of 2025 are concerned, they have been specifically named in the F.I.R by the informant. There are also direct allegations against them with regard to the harassment caused by accused-Samira Kumar Sahoo and inaction on the part of the accused-Dillip Kumar Ghose as Principal and Head of the Institution. Therefore, their role in the alleged crime is required to be investigated during investigation. Since no final charge sheet has been filed, it would not be fair on the part of this Court to enlarge them on bail at this juncture. However, since a ground has been raised by Mr.Dhal, learned Senior Counsel appearing for one of the



Petitioner with regard to compliance of the statutory provision contained in Section 47 and 48 of the BNSS, 2023 read with Article 22 of the Constitution of India, this Court is inclined to examine the aforesaid point only in respect of named accused-Samira Kumar Sahoo and Dillip Kumar Ghose. The provisions contained in Section 47 and 48 of the BNSS, 2023 is a reflection of the provision enshrined in Article 22 (1) of the Constitution of India, i.e. the accused must be informed of the grounds of arrest at the time of his arrest by the Arresting Officer. Since an allegation has been made with regard to violation of such right, this Court examines the arrest memo of the abovenamed two accused persons. On perusal of the Arrest Memo it appears that at Sl. No.1, the name and address of the accused has been clearly mentioned. At Sl. No.5, the F.I.R details like the F.I.R Number and the offences alleged have also been clearly mentioned. At Sl. No.10 under the heading “Reasons/ Grounds of Arrest”, it has been clearly mentioned as prima facie evidence under Sections 75(1)(ii), 78(2), 79, 351(2), 108, 3 (5) of the BNS, 2023. Moreover, several such paras in different box of para-10 also indicates the reason for detention in custody. In view of the aforesaid position, this Court is of the view that the accused at the time of arrest has been informed of his grounds of arrest which is in compliance of the provisions



contained in Section 47 and 48 of the BNSS, 2023. Thus, this Court has no hesitation in coming to a conclusion that the learned SDJM, Balasore as well as learned Sessions Judge, Balasore have not committed any illegality in coming to a conclusion that the statutory requirement of Section 47 and 48 of the BNSS, 2023 as well as the enshrined principle of Article 22 (1) of the Constitution of India has been duly followed. Since, this Court finds no infringement in compliance the aforesaid provision, the arrest/detention in custody cannot be held to be arbitrary and, as such, the Petitioners are not entitled to be set at liberty on such ground.

12. So far Subhra Sambit Nayak and Jyotiprakash Biswal, Petitioners in BLAPL No.9242 of 2025 and BLAPL No.9241 of 2025 respectively are concerned, this Court on a careful examination of the case diary found that while accused-Subhra Sambit Nayak has passed out recently, accused-Jyotiprakash Biswal is still continuing in the college as a student. Both the Petitioners were not named in the F.I.R initially and that the informant has not alleged any specific role which has been played by these two petitioners in the alleged crime. They have been implicated as an accused in this case at a subsequent stage of investigation. So far accused-Subhra Sambit Nayak is concerned,



the allegation against him is that he was in a regular conversation with the deceased prior to the occurrence and that the prosecution believes that he might have instigated the victim to commit suicide. Similarly, the allegation against the accused-Jyotiprakash Biswal is that he is a student of the college and was present at the spot of occurrence. While the deceased committed self-immolation by pouring petrol on her body, the accused-Jyotiprakash Biswal recorded the incident on his mobile phone. Taking into consideration the nature of the allegation against both the abovenamed Petitioners, further keeping in view their age and the fact that they are students, that they belong to the locality and there is no chance of them absconding, this Court is inclined to release both the afore-mentioned Petitioners on bail conditionally.

13. Accordingly, it is directed that the accused-Subhra Sambit Nayak, Petitioner in BLAPL No.9242 of 2025 and the accused-Jyotiprakash Biswal, Petitioner in BLAPL No.9241 of 2025 be released on bail subject to each one of them furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with two local solvent sureties each of the like amount to the satisfaction of the Court in seisin over the matter. The release of the abovenamed two Petitioners shall be subject to such other terms and condition as



would be deemed just and proper by the court in seisin over the matter. However, while directing the release of the Petitioners on bail, this Court preserves the right of the prosecution to seek for cancellation of their bail, in the event any incriminating material comes against them during investigation.

14. So far the accused-Samira Kumar Sahoo, Petitioner in BLAPL No.9219 of 2025 and accused-Dillip Kumar Ghose, Petitioner in BLAPL No.9739 of 2025 are concerned, this Court is not inclined to consider their bail applications as the investigation is still in progress. While rejecting their bail applications at this stage, this Court grants them a right to renew their prayers after filing of the final charge-sheet by the Crime Branch.

15. With the aforesaid observations/ directions, the abovenoted Bail Applications stand disposed of.

(Aditya Kumar Mohapatra)
Judge

Anil