



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL Nos.9180, 9328 & 12939 of 2025

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

Matal @ PramodNayak @ Naik ... Petitioners
(In BLAPL No.9180 of 2025)
Purna Chandra Prusty
(In BLAPL No.9328 of 2025)
ShibaDakua
(In BLAPL No.12939 of 2025)

Mr. K. Mohanty, Advocate
(in BLAPL No.9180 of 2025)
Mr. D. Panda, Advocate
(in BLAPL No.9328 of 2025)
Mr. B.K. Behera, Advocate
(in BLAPL No.12939 of 2025)

-versus-

State of Odisha ... Opposite Party
Mr. P. Satpathy, Addl. PP

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT: 17.02.2026

G. Satapathy, J.

1. Since these three bail applications arise out of one and same case record, the same are taken up & heard together and disposed of by this common order with the consent of the learned counsel for the parties.



2. These three applications U/S.483 of BNSS by the petitioners for grant of bail in connection with GR Case No. 796 of 2025 arising out of NayagarhSadar PS Case No. 178 of 2025 pending in the file of learned SDJM, Nayagarh for commission of offences punishable U/Ss.310(2)/311/111(3) of the BNS r/w Sections 25/27 of the Arms Act, on the main allegation of committing robbery of Rs.27,00,000/- from Indian Bank, Mandhatapur in Nayagarh District.

3. Heard Mr. Kuldeep Mohanty, learned counsel for the petitioner in BLAPL No.9180 of 2025; Mr. Devashis Panda, learned counsel appearing virtually in BLAPL No.9328 of 2025; Mr. Bijay Kumar Behera, learned counsel for the petitioner in BLAPL No.12939 of 2025 and Mr. P. Satpathy, learned Addl. PP in the matter and perused the record.

4. Admittedly all the three petitioners seek for bail for want of communication of grounds of arrest as mandated under Article 22(1) of the Constitution of India/ Sec.47 of BNSS which are in fact mandatory in



nature. According to Article 22(1) of the Constitution of India, which provides for "Protection against arrest and detention in certain cases", 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, Sec.47 of BNSS which provides for "Person arrested to be informed of grounds of arrest and of right to bail" states 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. There is no doubt that the IO in his affidavit at paragraph 6 states that at the time of arrest, the petitioner Purna Chandra Prusty was well informed about his involvement in crime and after knowing very well, the document prepared for his arrest memo and he has also put his signature which itself proves that the petitioner is well acknowledged about his arrest by the investigating agency in



connection with the above reference case, but a careful perusal of the arrest memo which is produced in support of compliance of Sec.47 of BNSS/Article22(1) of the Constitution of India, it is stated therein in column number 5 as "Grounds of arrest: - Under the strength of above noted case". It is no more *res-integra* that the grounds of arrest must be communicated to the arrestee in writing in the language he understands immediate after his arrest or just two hours before his production in the Court of law. The compliance as required U/S.47 of BNSS/Article 22(1) of Constitution of India has not been done in this case because the arrest memo only reflects about the sentence "under the strength of above noted case". Further, neither the arrest memo contains the particular of the offences nor the grounds of such arrest in any column nor can it be said that the grounds of arrest has been communicated to the arrestee in writing in the language he understands. In order to establish the compliance of the aforesaid statutory/constitutional provision, it is advisable for the arresting officer to



obtain an acknowledgement from the detainee about the information of grounds of his arrest in writing in the language he understands and merely stating or mentioning that the grounds of arrest has been informed/communicated to the detainee is not sufficient compliance. Same procedure is repeated in the arrest memos of other two petitioners namely Matal@ Pramod Nayak @ Naik and Shiba Dakua which is evident from a plain perusal of their arrest memos.

5. In ***Mihir Rajesh Shah Vrs. State of Maharashtra; (2026) 1 SCC 500***, the Apex Court has summarized its conclusion in paragraph-66, which reads as under:-

"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."**

6. Applying the aforesaid principles to the facts of the present case, it is reasonably found that the compliance of Article 22(1) of the Constitution of India/Section 47 of BNSS (Section 50 of CrPC) have not been done in letter and spirit, but what would be the inevitable conclusion, if such compliance is not done has been reiterated in ***Directorate of Enforcement Vrs. Subash Sharma; 2025 SCC OnLine SC 240***, wherein the Apex Court at Paragraph-8 has held as under:-

"8. Once a Court, while dealing with a bail application, finds that the fundamental rights of the accused under **Articles 21 and 22** of the **Constitution of India**



have been violated while arresting the accused or after arresting him, ***it is the duty of the Court dealing with the bail application to release the accused on bail.*** The reason is that the arrest in such cases stands vitiated. It is the duty of every Court to uphold the fundamental rights guaranteed under [Articles 21](#) and [22](#) of the Constitution.”

7. Hence, the bail applications of the petitioners Matal @ PramodNayak @ Naik in BLAPL No.9180 of 2025; Purna Chandra Prusty in BLAPL No.9328 of 2025 and ShibaDakua in BLAPL No.12939 of 2025 stand allowed and the petitioners are allowed to go on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) only 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 as deem fit and proper by it.

8. Accordingly, the BLAPL Nos.9180, 9328 & 12939 of 2025 stands 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.

9. It is very high time to prevent such violation of mandatory provisions inasmuch as the offender may take the benefit of the non-compliance of the aforesaid mandatory statutory requirements which is very much evident in this case and this Court has come across in so many cases about violations/infractions of the aforesaid provisions under Article 22(1)/Sec.47 of the BNSS (Sec.50 of CrPC) only enuring to the benefit of the offender to get out of the custody mainly on technical grounds. It is, therefore, considered appropriate to inform the Director General of Police, Odisha and the Principal Secretary to Home Department, Odisha to sufficiently train the police officers making arrest to comply the mandatory provisions of law, otherwise many hardened criminal will escape by taking this route, which is not in the interest of justice. In many cases, this Court has come across non-compliance of grounds of arrest as mandated under Article 22(1) of the



Constitution of India/Sec.47 of BNSS, which can be obviated by giving proper training to the concerned police officers. Accordingly, this Court requests the Principal Secretary, Home Department, Odisha and Director General of Police to bestow personal attention on this aspect to train the police officers and issue suitable instruction/circular to avoid this kind of situation for non-compliance of the aforesaid mandatory provisions. A copy of the order be immediately communicated to Director General of Police and Principal Secretary to Home Department, Odisha for compliance.

(G. Satapathy)
Judge

*Orissa High Court, Cuttack,
Dated the 17th day of February, 2026/Jayakrushna*