



of the Act, on the main allegation of committing murder of the deceased Niranjan Malik, a member of "SC" community by smashing a stone on his head and taking away cash of Rs.1,600/- and his bicycle, by taking advantage of his caste.

2. In the course of hearing, Mr. Deepak Ranjan Parida, learned counsel for the appellant submits that the prayer for bail of the appellant was earlier turned down by this Court for non-examination of witness Narahari Malik, who being examined as PW10 has not substantially testified against the appellant by admitting in cross-examination that the deceased was unable to speak by the time he reached at DHH, Kendrapara and, therefore, no explicit reliance can be placed on the evidence of Narahari Malik to refuse bail to the appellant. Accordingly, Mr. Parida prays to grant bail to the appellant by taking into account his custodial period.

2.1. On the other hand, Mr. T.K. Acharya, learned Additional Public Prosecutor submits that not only PW10 is a witness to the dying declaration, but



also another witness namely Pradeep Malik, who is yet to be examined is a witness to oral dying declaration of the deceased and, therefore, the prayer for bail of the appellant may kindly be rejected, more particularly when such witness is yet to be examined.

3. After having considered the rival submissions upon perusal of record, there appears allegation against the appellant for committing murder of the deceased Niranjana Malik by smashing a stone on his head and taking away a sum of Rs.1,600/- and his bicycle. Right now, the trial is going on and some of the witnesses have already been examined, but it is not known as to whether Pradeep Malik has been examined in the meantime or not. It is of course true that some of the witnesses like PWs.7, 8 & 10 have testified against the appellant in their evidence, whereas some of them like PWs.3 to 5 have not testified against the appellant, but threadbare analysis of their evidence is impermissible for deciding the bail application of the



appellant. In such view of the matter and taking into account the nature and gravity of the offences as alleged against the appellant vis-à-vis the accusations sought to be brought against him and regard being had to the materials collected in support of the allegation against the appellant keeping in view the evidence of witnesses so far examined, this Court does not consider it proper to grant bail to the appellant at this stage.

4. Accordingly, the CRLA stands dismissed. Looking at the custody period of the appellant, it is open for the appellant to renew his prayer for bail, if the trial is not concluded within six months hence.

A copy of this order be immediately transmitted to the learned Court in seisin over the matter for reference.

(G. Satapathy)
Judge

Signature Not Verified

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Date: 04-Aug-2026 20:05:52

Orissa High Court, Cuttack,
Dated the 4th day of August, 2026/Subhasmita

