

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No. 59 of 2022

Pradipta Kumar Bharati @ ***Petitioner***
Pradipta Bharati

Mr. Sarada Prasad Dash, Advocate

Versus

State of Orissa ***Opposite Party***
Mr. S.S. Pradhan, AGA

CORAM:
JUSTICE SAVITRI RATHO

Order No.

ORDER
11.02.2022

01. This matter is taken up through hybrid mode.

Heard.

In this application under Section 482 Cr.P.C., the order dated 29.08.2016 passed by the learned Assistant Session Judge, Nimapara in connection with S.T. Case No. 128/363 of 2014 arising out of G.R. Case No. 414 of 2014 (Nimapara P.S. Case No. 84 of 2014), issuing N.B.W. of arrest against the petitioner has been challenged.

It appears from a perusal of the record that the petitioner was on bail but due to his non-appearance on the date fixed and failure to take steps and NBW was issued against him on 29.08.2016.

Learned counsel for the petitioner submits that the petitioner has been released on bail pursuant to order passed by this Court in BLAPL No. 2733 of 2015 dated 23.07.2015. He further submits that steps being taken on his behalf regularly but due to his illness, he could not appear in the learned court below on 29.08.2016 nor intimate his conducting counsel for which his conducting counsel could not be take any steps on behalf of the petitioner as a result of which N.B.W. of arrest has been issued against him. He further submits that the petitioner is ready and willing to cooperate with the learned trial court for early disposal of the trial, if the impugned order is set aside.

Perusal of the order dated 24.07.2015 indicates that the petitioner had been released on bail with the conditions that he should appear in the below Court on each date of trial. On 29.08.2016 the petitioner was absent and no steps were taken on his behalf for which N.B.W. of arrest was issued against him.

Although, I find no illegality in the impugned order but in order to secure the attendance of the accused-petitioner-Pradipta Kumar Bharati @ Pradipta Bharati during trial, it is directed that subject to the petitioner depositing an amount of Rs.2000/- (Rupees Two Thousands only) in the Welfare Fund of Orissa High Court Bar Association as cost and producing the receipt as proof of

such deposit along with an application for bail, at the time of his surrender, before the learned court in seisin over the matter, he shall be released on bail by the said court on such terms and conditions as would be fixed by the said Court with a further condition that the petitioner shall appear before the learned trial Court on each date when the case is fixed for trial. The petitioner shall surrender before the said court within four weeks from today.

With the aforesaid observations, the CRLMC is disposed of.

Urgent certified copy of this order be granted as per rules.

puspa

