

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.129 of 2022

Bijayananda Dash and others ***Petitioners***
Mr. P.P. Behera, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr. S.S. Pradhan, AGA

CORAM:
JUSTICE S.K. PANIGRAHI

ORDER
31.01.2022

Order No.

01. 1. The matter is taken up through video conferencing mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners have filed this application under Section 482 of the Cr.P.C. to quash the order dated 20.12.2021 passed by the learned Special Judge-cum-Addl. Sessions Judge, Patanagarh in Special G.R. Case No.20 of 2021 issuing N.B.W. against them.
4. Learned counsel for the petitioners submits that the petitioners filed an anticipatory bail application bearing ABLAPL No.10332/2021, which was rejected by this Court vide order dated 19.08.2021. However, this Court granted liberty to the petitioners to surrender before the court in seisin over the matter and the said court would consider their case in accordance with law.

5. As submitted, since the petitioners have violated the order passed by this Court on 19.08.2021, the N.B.W. was issued against the petitioners on 20.12.2021. Learned counsel for the petitioners submits that the petitioners undertake to co-operate with the trial and comply to the terms and conditions as would be fixed by the court in seisin over the matter.

6. Considering the aforesaid facts, the petitioners are directed to surrender before the court in seisin over the matter in the aforesaid case within a period of fifteen days hence. Upon their surrender, the court in seisin over the matter shall consider for releasing them on bail with some stringent conditions so as to ensure their regular attendance on each date of posting of the case before the trial court as well as the learned Magistrate whenever it is required. In addition, they are imposed a cost of Rs.2,000/- each for violating the court's order. Accordingly, the petitioners (three in numbers) shall deposit a sum of Rs.2,000/- each (rupees two thousand only) (totalling rupees six thousand). The said amount shall be deposited before the High Court Bar Associations Welfare Fund and copy of the said deposit shall be presented before the court in seisin over the matter.

6. In view of the above, the order of issuance of N.B.W. against the petitioners on 20.12.2021 in Special G.R. Case No.20 of 2021 is quashed.

7. Accordingly, the CRLMC is disposed of.

8. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court's Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge

PCD

