

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No. 217 of 2022

Samir Kumar Nayak @ Samir Nayak ***Petitioner***

Mr. A.K. Sahoo, Advocate

Versus

State of Odisha ***Opposite Party***
Mr. Manoj Kumar Mohanty, ASC

CORAM:
JUSTICE SAVITRI RATHO

Order No.

ORDER
04.02.2022

01. This matter is taken up through virtual mode.
Heard.

As learned State counsel has received the copy of the CRLMC, defect no.6 pointed out by S.R. is ignored.

In this application under Section 482 Cr.P.C., the order dated 18.07.2018 passed by the learned S.D.J.M., Balliguda in 2 (b) C.C. No. 11 of 2008, 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, the case was split up against him and NBW was issued against him on 18.07.2018.

Learned counsel for the petitioner submits that due to communication gap with his counsel, the petitioner could not appear in the learned court below on 18.07.2018 and his counsel refused steps on his behalf. 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.

Although, I find no illegality in the impugned order but in order to secure the attendance of the accused-petitioner-Samir Kumar Nayak @ Samir Nayak during trial, it is directed that subject to the petitioner depositing an amount of Rs.1000/- (Rupees One Thousand 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 six weeks from today.

With the aforesaid observations, the CRLMC is disposed of.

In view of the restrictions due to resurgence of COVID-19 situation, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020, modified by Notice No. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos. 514 and 515 dated 7th January, 2022.

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(Savitri Ratho)
Judge