

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 260 of 2022

***Pramod Kumar Kadamasingh @
Kodamasingh @ Kudamasingh*** ***Petitioner***

Mr. Sanjib Kumar Bhanjadeo, Advocate

Versus

State of Orissa

Opposite Party

Mr. Manoj Kumar Mohanty, ASC

**CORAM:
JUSTICE SAVITRI RATHO**

**ORDER
04.02.2022**

Order No.

01. 1. This matter is taken up through virtual mode.
2. Heard.
3. In this application under Section 482 Cr.P.C., the order dated 30.03.2021 passed by the learned C.J.M., Phulbani in G.R. Case No. 65 of 2012 in connection with Daringbadi P.S. Case No. 42 of 2012, issuing N.B.W. of arrest against the petitioner has been challenged.
4. 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 by his learned defence counsel, NBW of arrest was issued against him and another prosecution fixing 30.04.2021 for his production. Three prosecution witnesses who were present on that day had to be discharged without examination due to absence of the petitioner.

5. Mr. S.S. Pradhan, learned Additional Government Advocate vehemently opposed the prayer submitting that there is no illegality in the impugned order.

6. Though there is no illegality in the order issuing NBW of arrest but in order to secure the attendance of the petitioner in the trial, it is directed that on surrendering before the learned C.J.M., Phulbani in G.R. Case No. 65 of 2012 in connection with Daringbadi P.S. Case No. 42 of 2012 within a period of six weeks from today and filing an application for bail, the petitioner shall be released on bail on such terms and conditions as would be fixed by the said Court including any condition for deposit of cost for summoning the three witnesses who had to return due to non-appearance of the petitioner with a further condition that the petitioner shall appear before the learned trial Court on each date when the case would be fixed for trial.

Violation of any condition fixed shall entail cancellation of bail.

7. The CRLMC is disposed of.

8. 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.

(Savitri Ratho)
Judge

