

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.266 of 2022

Deepak Kumar Pradhan

....

Petitioner

Mr.V.Narasingh, Advocate

Versus

State of Odisha and another

....

Opp. Parties

Mr.M.K.Mohanty, ASC

(for O.P. No.1)

CORAM:

JUSTICE SAVITRI RATHO

ORDER

04.02.2022

Order No.

01. 1. Heard learned counsel for the petitioner and Mr.M.K.Mohanty, learned Addl. Standing Counsel through virtual mode.
2. This application under Section 482 Cr.P.C. has been filed by the petitioner praying for quashing of the order dated 07.01.2022 passed by the learned J.M.F.C., Bhubaneswar in I.C.C. No.1243 of 2018 under Annexure-1 directing issuance of N.B.W. of arrest against him.
3. Perusal of the impugned order dated 07.01.2022 reveals that learned counsel for both the parties were present on the said date and filed their respective haziras. But as the petitioner was not present when the matter was called, N.B.W. of arrest was issued against him.
4. Mr. V.Narasingh, learned counsel for the petitioner submits that the petitioner had gone to Court that day but when the matter was called, as he was feeling unwell, he had gone outside for medical help and prayers of his counsel to pass over the matter were not accepted and N.B.W. of arrest was issued.

5. Although there is no illegality in the impugned order, in order to secure the presence of the petitioner during trial, it is directed that in the event the petitioner surrenders before the learned court below within a period of two weeks, preferably on 18.02.2022 (date of posting of the case in the court below) and moves for bail, he shall be released on bail on such terms and conditions as the learned court below may deem just and proper with the further condition that the petitioners shall appear before the learned trial court on each date when the case would be fixed for trial. Violation of any of the terms and conditions fixed shall entail cancellation of bail. As the petitioner has approached the court promptly, N.B.W. of arrest shall not be executed for a period of two weeks.

6. Accordingly, the CRLMC stands disposed of.

7. 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

Bichi