

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.270 of 2022

Sumanta Naik

.... ***Petitioner***
Mr.P.C.Mishra, 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 26.10.2021 passed by the learned Addl. Sessions Judge, Special Track Court, Keonjhar in S.T. Case No.99 of 2019 under Annexure-2 series directing issuance of N.B.W. of arrest against him.
3. Perusal of the impugned order dated 26.10.2021 reveals that the petitioner was absent on repeated calls and no step was taken on his behalf. Hence, N.B.W. of arrest was issued against him along with notice to the bailor.
4. 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 four weeks and moves an application 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 petitioner shall appear before the learned trial court on each date when the case would be fixed for trial. It is open to the learned trial court to impose cost on the petitioner if any witness has been returned without being examined on account of the non-appearance of the petitioner. Violation of any of the terms and conditions fixed shall entail cancellation of bail.

5. Accordingly, the CRLMC stands disposed of.

6. 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