

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.290 of 2022

<i>Sri Deepak Kumar Pradhan</i>		<i>Petitioner</i>
		<i>Mr.V.Narasingh, Advocate</i>
<i>Versus</i>		
<i>State of Odisha and another</i>		<i>Opp. Parties</i>
		<i>Mr. S.S. Pradhan, AGA</i>

CORAM:
JUSTICE SAVITRI RATHO

ORDER
09.02.2022

Order No.

01. 1. Heard matter is taken up through hybrid 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.1244 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 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 ten days from today.

6. It is made clear that extension of time for surrender shall not be granted.

7. Accordingly, the CRLMC stands disposed of.

8. Urgent certified copy of this order be granted on proper application.

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(Savitri Ratho)
Judge

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