

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.291 of 2022

Sanjib Malik @ Tofan

.... ***Petitioner***
Mr.S.K.Biswal, Advocate

Versus

State of Odisha

.... ***Opp. Party***
Mr.M.K.Mohanty, ASC

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 03.11.2021 passed by the learned Adhoc Addl. District and Sessions Judge, F.T.S.C., Balasore in S.T. Case No.34/239 of 2019 under Annexure-2 directing issuance of N.B.W. of arrest against him.
3. Perusal of the impugned order dated 03.11.2021 reveals that two witnesses, namely, Bikartan Mallik and Maheswar Mallik were present in court on the said date and they were not examined due to absence of the petitioner and his counsel and the counsel has not taken any step on behalf of the petitioner. Hence, N.B.W. of arrest was issued against the petitioner and the two prosecution witnesses were provisionally discharged.
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 from today, he shall be released on bail on such terms and conditions as the learned court below may deem just and proper_including any condition for deposit of cost for witnesses who have 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 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