

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.298 of 2022

<i>Basanta Kumar Jena and others</i>		<i>Petitioners</i>
		<i>Mr.K.Mohanty, Advocate</i>
	<i>Versus</i>	
<i>State of Odisha</i>		<i>Opp. Party</i>
		<i>Mr.S.S.Pradhan, AGA</i>

CORAM:
JUSTICE SAVITRI RATHO

ORDER
08.02.2022

Order No.

01. 1. Heard learned counsel for the petitioners and Mr.S.S.Pradhan, learned Addl. Government Advocate through hybrid mode.
2. This application under Section 482 Cr.P.C. has been filed by the petitioners praying for quashing of the order dated 05.01.2022 passed by the learned Sessions Judge, Balasore in S.T. Case No.190 of 2019 under Annexure-1 directing issuance of N.B.W. of arrest against them as they were absent on the said date and no steps have been taken on their behalf on the said date.
3. Learned counsel for the petitioners submits that due to communication gap with the conducting counsel on the date fixed before the trial court, the petitioners nor their counsel could not appear before the learned court below. He further submits that non-appearance of the petitioners before the court below is neither deliberate nor intentional.
4. Although there is no illegality in the impugned order, in order to secure the presence of the petitioners during trial, it is

directed that in the event the petitioners surrender before the learned court below on 17.02.2022 (date of posting of the case in the court below) and move an application for bail, they 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 petitioners have approached the court promptly, N.B.W. of arrest shall not be executed for a period of ten days from today.

5. Accordingly, the CRLMC stands disposed of.

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

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(*Savitri Ratho*)
Judge