

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 449 OF 2022

***Manas Kumar Swain@
Manas Ranjan Swain & Ors.***

***..... Petitioners
Mr. Arabinda Tripathy, Adv.***

-versus-

State of Odisha

***..... Opposite Party
Mr. Rajesh Tripathy, ASC***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
04.03.2022**

Order No.

01.

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. Arabinda Tripathy, learned counsel for the petitioners and Mr. Rajesh Tripathy, learned Additional Standing Counsel for the State.
3. The petitioners are aggrieved by the order dtd. 30.11.2021 directing for issuance of NBW(A) in G.R. Case No. 81 of 2016 arising out of Baideswar P.S. Case No. 20 of 2016 passed by the Learned S.D.J.M., Banki as state of affairs has filed the aforesaid CRLMC.
4. It is seen from the order dtd. 25.10.2018 passed by the learned Trial Court that, Petitioner No.1- Manas Kumar Swain @ Manas Ranjan Swain was on bail whereas Petitioners No. 2 to 4

did not choose to surrender even after their released on interim bail. Hence by order dtd. 30.11.2021 the learned Court below directed for issuance of NBW.

5. Prima facie, this Court does not find any infirmity in the order issuing NBW against all the petitioners but taking into account at petitioner no.1 was earlier released on bail, this Court directs that in the event he surrenders within a period of two weeks hence, he shall be released on bail on such terms and conditions as deemed just and proper by the learned Court below. Further restrictions shall be imposed, not to allow the petitioner no.1 to leave the jurisdiction of the Magistrate without leave of the Court in seisin of the matter.

6. So far as Petitioner No. 2- Basudev Sahoo, 3- Kuna @ Ashok @ Pradeep Pradhan and 4-Ashok Kumar Swain are concerned in the event they surrender within a period of three weeks hence, the learned Court in seisin of the matter shall consider their application on its own merits.

7. Till a further period of three weeks hence, NBW in respect of petitioner Nos. 2 to 4 shall not be executed.

8. The CRLMC is disposed of accordingly.

9. Urgent certified copy of this order be granted as per rule.

(V.Narasingh)
Judge

