

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No. 293 of 2021

Manas Behera

.... ***Petitioner***
Mr. Dibya Jyoti Sahoo, Advocate

Versus

State of Orissa

.... ***Opposite Party***
Mr. S.S. Pradhan, AGA

CORAM:
JUSTICE SAVITRI RATHO

ORDER
11.02.2022

Order No.

01. This matter is taken up through hybrid mode.
Heard.

Mr. Dibya Jyoti Sahoo, learned counsel for the petitioner files a photostat copy of the ordersheet in S.T. Case No. 144 of 2013 arising out of G.R. Case No. 1263 of 2012 of the court of learned Sessions Judge, Kendrapara containing the orders dated 30.01.2013, 25.11.2013, 15.05.2018, 11.06.2018 & 08.08.2018. The same be kept on record.

In this application under Section 482 Cr.P.C., the order dated 08.08.2018 passed by the learned Sessions Judge, Kendrapara in S.T. Case No. 144 of 2013, issuing N.B.W. of arrest against the petitioner has been challenged.

It appears from a perusal of the record that the petitioner had been released on bail on 30.01.2013. After commitment of the case, on 25.11.2013, his prayer to continue on previous bail has been allowed. Thereafter on 08.08.2018, due to his non-appearance and failure to take steps, NBW was issued against him and application under Section 317 Cr.P.C. was rejected.

Learned counsel for the petitioner submits that on 11.06.2018, the accused was out of station and due to communication gap with his counsel, the petitioner was not able to appear in learned court below nor instruct his learned counsel to file petition on his behalf. As the accused was absent on repeated calls and no steps have been taken by the defence counsel on 11.06.2018, notice was issued to the bailer on the said date and on 08.08.2018, N.B.W. of arrest has been issued against the petitioner fixing 12.09.2018 for his production. He further submits that the petitioner is ready and willing to cooperate with the learned trial court for early disposal of the trial, if the impugned order is set aside.

Although, I find no illegality in the impugned order but in order to secure the attendance of the accused-petitioner-Manas Behera during trial, it is directed that subject to the petitioner depositing an amount of Rs.1000/- (Rupees One Thousand only) in the Welfare Fund of Orissa High Court Bar Association as cost and producing the receipt as proof of such deposit along with an application for bail, before the learned court in seisin over the matter, he shall be released on bail by the said court on such terms and conditions as would be fixed by the said Court with a further condition that the petitioner shall appear before the learned trial Court on each date when the case is fixed for trial. The petitioner shall surrender before the said court within four weeks from today.

With the aforesaid observations, the CRLMC is disposed of.

Urgent certified copy of this order be granted as per rules.

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(Savitri Ratho)
Judge

