

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1105 of 2022

Bapun @ Amit Kumar Pradhan &
Others

....

Petitioners

Mr. A.R.Panda, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr.Tapas Kumar Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
24.08.2022

Order No.

01. 1. Heard learned counsel for the petitioners and learned counsel for the State.
2. Present petition under Section 482 Cr.P.C. challenges impugned order dated 4th April, 2022 passed in C.T. Case No. 2073 of 2017 by the learned J.M.F.C., Basta on the grounds stated therein.
3. Perused the F.I.R. which is at Anneuxre-1 so also the impugned order i.e. Anneuxre-2.
4. Learned counsel for the petitioners submits that the petitioners were on bail which was granted in the year 2017 but after submission of charge sheet, there was a default, subsequent to which, the learned court below issued NBW/A which is pending execution and considering the above, the NBW may be recalled which is objected to by the learned counsel for the State.

5. The charge sheet was filed in the year 2017, the learned court below has taken cognizance of the order against the petitioners however, it appears that on 4th April, 2022, the petitioners defaulted in appearance as a result of which the NBWA issued by the Court .

6. Having regard to the submissions of the learned counsel appearing for the respective parties and the fact that the petitioners were on bail and the default is after the submission of charge sheet, the Court is inclined to direct the petitioners to surrender before the court below and released on bail.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned court below in connection with C.T. Case No. 2073 of 2017 on or before 9th September, 2022 and in the event of his surrender, the learned court below shall release him on bail subject to conditions.

9. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge