

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1152 of 2022

Bhagaban Gouda and another Petitioners
Mr. Biswajit Mohanty, Advocate

-Versus-

State of Odisha Opposite Party
Mr. S.S. Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
12.09.2022

Order No.

- 01.
1. Heard learned counsel for the petitioners and learned counsel for the State.
 2. Instant petition under Section 482 Cr.P.C. has been filed by the petitioners challenging the order of NBWAs dated 28th September, 2014 passed by the learned Additional Sessions Judge, Bhanjanagar in S.T. No.76 of 2007 arising out of G.R. Case No.4/97(A) in connection with Bhanjanagar P.S. Case No.15 of 1997 on the grounds stated therein.
 3. Perused the copy of the FIR at Annexure-1 and a copy of the impugned order dated 28th September, 2014 as at Annexure-2.
 4. Learned counsel for the petitioners submits that petitioner No.1 and petitioner No.2 were on court bail from 1st August, 2005 and 6th June, 2006 respectively but subsequently, NBWAs have been issued against them on 28th September, 2014 since they defaulted in appearance. It is further submitted that the petitioners

could not know about the date fixed by the learned court below nor their Advocate had taken any step, as a result of which, the impugned order was passed and considering the fact that they were on previous bail, the petitioners should be directed to surrender and allowed to go on bail with conditions.

5. The Court perused the impugned order dated 28th September, 2014 but does not find any illegality being committed by the learned court below. In fact, the petitioners failed to turn up and on account of their default and since the defense counsel did not take any step on their behalf, the learned court below rightly issued the NBWAs against them. However, at this juncture, the Court is of the view that in the facts and circumstances of the case, the petitioners should be directed to surrender before the court below and released on bail with conditions which instead would serve the purpose.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioners to surrender before the court of learned Additional Sessions Judge, Bhanjanagar on or before 30th September, 2022 in connection with S.T. No.76 of 2007 arising out of G.R. Case No.4/97(A) corresponding to Bhanjanagar P.S. Case No.15 of 1997 and in the event of their surrender, the court below shall release them on bail subject to conditions.

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

(R.K. Pattanaik)
Judge