

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1164 of 2022

Chinmaya @ Prakash Pal and others *Petitioners*
-versus-
State of Odisha *Opposite Party*

CORAM: JUSTICE S. PUJAHARI

ORDER
23.06.2022

Order
No.

03. 1. This matter is taken up through hybrid mode.
2. Heard the learned counsel for the Petitioners and the learned counsel for the State.
3. This application under Section 482 of Cr.P.C. has been filed by the Petitioners with a prayer to quash the order dated 10th December, 2021 passed by the learned Assistant Sessions Judge, Bhadrak in S.T. Case No.14/2013(42/39/2011) wherein N.B.W.(A) has been issued against them.
4. It appears that the Petitioners, who have been indicted in the aforesaid case, were on bail and facing trial, but when the case was posted on 10th December, 2021, they did not appear before the Court below and no step was taken on their behalf on the date fixed, as such, N.B.W.(A) has been issued against them vide the aforesaid order to secure their attendance. However,

the Petitioners have challenged the same in this petition, but during course of hearing, it is submitted by the learned counsel for the Petitioners that the Petitioners are now ready and willing to surrender before the trial Court and cooperate with the trial and as such, the trial Court may be directed to release them on bail on any terms and conditions as it may deem just and proper.

5. Considering the aforesaid facts and submissions made, especially the circumstances in which the N.B.W.(A) was issued, this Court finds no reason to interfere with the impugned order.

6. However, it is open to the Petitioners to surrender before the Court in seisin over the matter within four weeks hence and if they surrender and move for bail, the Court in seisin over the matter shall allow them to go on bail on such terms and conditions including the conditions that they shall cooperate with the trial and furnish cash security of Rs.5,000/- (Rupees five thousand) each, besides the bail bond as surety before the said court.

7. It is made clear that if the Petitioners fail to cooperate with the trial, the amount deposited shall be immediately forfeited to the State besides other coercive steps to be taken against them to secure their attendance and the sureties as permissible under law.

8. It is further observed that in spite of this order, if the Petitioners after their release again makes default in appearance, in the next coercive steps to be taken to procure their attendance, this fact also be reflected by the trial court.

9. No further extension of time shall be granted to the Petitioners to surrender.

10. With the aforesaid order, this CRLMC stands disposed of.

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

(S. Pujahari)
Judge

DA

