

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1194 of 2022

Nilagiri Das & another

....

Petitioners

-versus-

State of Odisha

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER

30.06.2022

Order No.

02.

1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the Petitioners and 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 15.02.2017 passed by the learned J.M.F.C., Khariar in 2(b)CC Case No.16 of 2012 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 but, when the case was posted on 15.02.2017, they did not appear before the court below, as such, N.B.W.(A) has been issued against them vide the aforesaid order to secure their attendance. After five years the Petitioners have come to this Court without any justifiable reasons. But during the course of hearing, it is submitted by the learned counsel for the Petitioners that since the Petitioners are now ready and willing to surrender before the trial court and cooperate with the trial, the trial court may be

directed to release them on bail on any terms and conditions as it may deem just and proper.

5. Learned counsel for the State vehemently opposes to release the Petitioner on bail.

6. Considering the facts and the submissions made, though this Court is not inclined to interfere with the impugned order but directs that if the Petitioners surrender before the court in seisin over the matter and move for bail within four weeks' hence, the court in seisin over the matter shall allow them to go on bail on such terms and conditions including the condition that they shall deposit an amount of Rs.20,000/- (rupees twenty thousand) before the court in seisin over the matter and if the Petitioners do not cooperate with the trial, the amount so deposited shall be forfeited. If the Petitioners do not surrender within the time stipulated, there is no impediment to execute the N.B.W.(A) issued against the Petitioners thereafter.

7. With the aforesaid order, this Criminal Misc. Case stands disposed of.

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

(S. Pujahari)
Judge

PKS