

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1242 of 2022

Rajib Das @ Rajeeb Kumar Das &
Another

....

Petitioners

Mr. S.Dash, Advocate
Mr. A.R.Panda, Advocate

-Versus-

State of Odisha

....

Opposite Party
Mr.T.K.Praharaj,SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
13.09.2022

Order No.

- 01.
1. Heard learned counsel for the petitioners and learned counsel for the State.
 2. The present petition is filed against the order of issuance of NBWAs vis-à-vis the petitioners in connection with Special Case No. 547/575 of 2016 arising out of Khantapada P.S. Case No. 427 of 2016 pending before the learned court of Special Judge(SC & ST), Balasore on the grounds stated therein.
 3. Perused the impugned order which is at Annexure-3.
 4. Learned counsel for the petitioners submits that the petitioners were on bail by order dated 2nd January, 2017 but subsequently, NBWAs have been issued against them on 23rd March, 2021 since they defaulted in appearance. It is further submitted that the petitioners

could not know about the date fixed by the learned court below, 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. The learned counsel for the State submits that the petitioners failed to appear before the court below and therefore, the impugned order under Annxure-2 was rightly passed.

5. The Court perused the order dated 23rd March, 2021 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, the learned court below correctly issued the NBWAs against them. However, at this juncture, the Court is of the view that the petitioners in the facts and circumstances of the case should be directed to surrender before the court below and released on bail with conditions.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioners to surrender before the learned court of Special Judge (SC & ST), Balasore on or before 30th September, 2022 in connection with Special Case No. 547/575 of 2016 arising out of Khantapada P.S. Case No. 427 of 2016 and in the event of their surrender, the court shall release them on bail with conditions.

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

(R.K. Pattanaik)
Judge