

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1275 of 2022

Salamat Khan *Petitioner*
-versus-
State of Odisha *Opposite Party*

CORAM: JUSTICE S. PUJAHARI

ORDER
23.06.2022

Order
No.

01. 1. This matter is taken up through hybrid mode.
2. Heard the learned counsel for the Petitioner and the learned counsel for the State.
3. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order dated 7th March, 2022 passed by the learned Additional Sessions Judge, Athagarh in S.T. Case No.15 of 2022 wherein N.B.W.(A) has been issued against him.
4. It appears that the Petitioner, who has been indicted in the aforesaid case, was on bail and facing trial, but after commitment of the case, when the case was posted on 7th March, 2022, he did not appear before the Court below and no step was taken on his behalf on the date fixed, as such, N.B.W.(A) has been issued against him vide the aforesaid order to secure his attendance. However, the Petitioner has come

forward to challenge the same, but during course of hearing, it is submitted by the learned counsel for the Petitioner that the Petitioner is 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 Petitioner to surrender before the Court in seisin over the matter within four weeks hence and if he surrenders and moves for bail, the Court in seisin over the matter shall allow him to go on bail on such terms and conditions including the conditions that he shall cooperate with the trial.

7. Till the aforesaid date, i.e., either the date of appearance before the trial Court or on expiry of four weeks, whichever is earlier, the Petitioner shall not be arrested pursuant to the N.B.W.(A) issued.

8. It is made clear that in spite of this order, if the Petitioner after his release again makes default in appearance, in the next coercive steps taken to secure his appearance, this fact also be reflected by the trial court.

9. It is further made clear that no further extension of time with regard to surrender of the Petitioner shall be granted in any circumstances.

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

