

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1352 of 2022

Subhakanta Nayak

....

Petitioner

-versus-

State of Odisha

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER

24.06.2022

Order No.

02.

- 1.This matter is taken up through hybrid mode.
- 2.Heard learned counsel for the Petitioner and 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 26.09.2019 passed by the learned trial court in G.R. Case No.392 of 2017 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 but, when the case was posted on 26.09.2019, he did not appear before the court below, 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 the course of hearing, it is submitted by the learned counsel for the Petitioner that since the

Petitioner is now ready and willing to surrender before the trial court and cooperate with the trial, the trial court may be directed to release him 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, this Court disposes of the Criminal Misc. Case with an order that if the Petitioner surrenders before the court in seisin over the matter and moves for bail within four weeks' hence, the court in seisin over the matter shall allow him to go on bail on such terms and conditions including the condition that he shall deposit an amount of Rs.5000/- (rupees five thousand) before the court in seisin over the matter and if the Petitioner does not cooperate with the trial, the amount so deposited shall be forfeited. If the Petitioner does not surrender within the time stipulated, there is no impediment to execute the N.B.W.(A) issued against the Petitioner thereafter.

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

(S. Pujahari)
Judge

PKS