

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLMC No. 1405 of 2022**

**Bhima Swain & others**

....

**Petitioners**

Mr. S.K. Bhanjadeo, Advocate

*-Versus -*

**State of Odisha**

....

**Opposite Party**

Mr. D. Mund,

Addl. Government Advocate

**CORAM:**

**JUSTICE SASHIKANTA MISHRA**

**ORDER**

**31.05.2022**

**Order No.**

**01.**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioners are accused in G.R. Case No. 267 of 2012 of the Court of learned J.M.F.C., Khalikote, Ganjam. The petitioners were released on bail.
4. Perusal of the impugned order reveals that the petitioners did not appear on the date fixed for which by order dated 30.09.2013, learned Court below directed issuance of NBW/A against them, which is impugned in the present application.
5. Learned counsel for the petitioners submits that because of communication gap between the petitioners and the conducting lawyer they were unable to know about the posting of the case and hence could not appear, but they undertake to appear before the Court regularly in future.
6. Having regard to the submissions made and the materials on record, I am inclined to allow the prayer. The impugned order in so

far as it relates to issuance of NBW/A against the petitioners is hereby quashed. The petitioners are granted liberty to surrender before the trial court within a period of three weeks and move for bail and in such event they shall be allowed to go on previous bail.

7. The CRLMC is disposed of.

8. Issue urgent certified copy as per rules.

**(Sashikanta Mishra, J)**  
**Vacation Judge**

*A.K. Rana*

