

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1532 of 2022

Rashmi Ranjan Swain

....

Petitioner

Mr. Bikram Keshari Bal, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. Tapas Ku. Praharaj, S.C.

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

23.08.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. Instant petition under Section 482 Cr.P.C. has been filed by the petitioner for quashing of the order of NBW dated 24th November, 2021 passed by the learned ADJ-cum-Special Court under POCSO Act, Cuttack in Spl. G.R. Case No.135 of 2019 in connection with Salipur P.S. Case No.271 of 2019 on the grounds stated therein.
 3. Learned counsel for the petitioner submits that petitioner was on bail by order of the court below dated 11th December, 2019 but subsequently during the stage of trial i.e. on 24th November, 2021, he was absent and because of such default, the order of NBW was passed against the petitioner fixing 28th December, 2021 for his production. It is further submitted that taking into account that petitioner being on previous bail, the NBW should be recalled which is objected by the learned Standing Counsel.

4. On perusal of Annexure-1, it appears that the petitioner was granted bail in connection with Salipur P.S. Case No.271 of 2019 and as it seems, at the stage of trial, the order of NBW under Annexure-1 was passed.

5. Having regard to the submission of learned counsel for the petitioner and considering the fact that the petitioner was on bail and it was a single default which is on 24th November, 2021, he should be directed to surrender before the court below and released on bail with conditions.

6. Accordingly, it is ordered.

7. The CRLMC stands dismissed. However, the petitioner is directed to surrender before the court of the learned ADJ-cum-Special Court, under POCSO Act, Cuttack in Spl. G.R. Case No.135 of 2019 in connection with Salipur P.S. Case No.271 of 2019 and in the event of surrender, the court shall release him on bail subject to conditions and filing an undertaking to the effect that he shall remain present on each dates of posting of the case till conclusion of trial.

(R.K. Pattanaik)
Judge