

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1576 of 2022

Priyabrata Behera and another Petitioners
Mr. Sapan Kumar Lenka, Advocate

-Versus-

State of Orissa Opposite Party
Mr. P.K. Rout, AGA

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
21.09.2022

Order No.

01. 1. Heard learned counsel for the petitioners and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners challenging the order of NBW dated 29th November, 2018 passed by the learned 2nd Additional District Judge, Cuttack in 2(a) CC Case No.4 of 2014 on the grounds stated therein.
3. Perused the copy of the bail order in BLAPL No.9360 of 2014 at Annexure-1 and certified copy of the order of NBW dated 29th November, 2018.
4. Learned counsel for the petitioners submits that the petitioners were earlier on bail but subsequently, NBWAs have been issued against them on 29th November, 2018 since they defaulted in appearance. It is further submitted that the petitioners could not know about the date fixed by the learned court below nor their Advocate had taken any step, 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.

5. The Court perused the order dated 29th November, 2018 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 and since the defense counsel did not take any step on their behalf, the learned court below rightly issued the NBWAs against them. However, at this juncture, the Court is of the view that in the facts and circumstances of the case, the petitioners should be directed to surrender before the court below and released on bail with conditions which instead would serve the purpose.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioners to surrender before the court of learned 2nd Additional District Judge, Cuttack on or before 30th September, 2022 in 2(a) CC Case No.4 of 2014 and in the event of their surrender, the court below shall release them on bail subject to conditions.

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

(R.K. Pattanaik)
Judge