

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1602 of 2022

Anupama Behera and others *Petitioners*
-versus-
State of Orissa *Opposite Party*

CORAM: JUSTICE S. PUJAHARI

ORDER
22.07.2022

Order
No.

01. 1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioners with a prayer to quash the order dated 16th May, 2022 passed by the learned Additional Sessions Judge, Balasore e-Court, Jaleswar in S.T. No.33 of 2020 wherein N.B.W.(A) has been issued against them.
3. Heard the learned counsel for the Petitioners and the learned counsel for the State-Opposite Party.
4. It appears that the Petitioners, who have been indicted in the aforesaid case, were on bail and facing trial, but when the case was posted on 16th May, 2022, they did not appear before the Court below and no step was taken on their behalf on the date fixed, as such, N.B.W.(A) has been issued against them vide the aforesaid order to procure their attendance. However, the Petitioners have challenged the said order in this petition.

But during course of hearing, it is submitted by the learned counsel for the Petitioners that the Petitioners are now ready and willing to surrender before the trial Court and cooperate with the trial and as such, the order of N.B.W.(A) be quashed and the trial court may be directed to allow him on same bail.

5. Considering the 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 on the ground stated.

6. But, if the Petitioners surrender to custody of the Court in seisin over the matter within three weeks hence, the Court in seisin over the matter shall allow him to continue on same bail, provided their sureties appear and ready to continue to be so or otherwise ask them to furnish fresh bail bond or surety.

7. Till the aforesaid date, i.e., either the date of surrender before the trial Court or on expiry of three weeks, whichever is earlier, the Petitioners shall not be arrested pursuant to the N.B.W.(A) issued. But, on failure to comply with the order, there is no impediment to arrest them pursuant to the N.B.W.(A) issued.

8. It is made clear that if the Petitioners after their release pursuant to this order again make default in appearance, in the next coercive steps to be taken, this fact also be reflected by the trial court.

9. With the aforesaid order, this CRLMC stands disposed of.

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

(S. Pujahari)
Judge

DA

