

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1624 of 2022

Santosh Gouda & another

....

Petitioners

Mr. S.K.Mohanty, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr.Tapas Kumar Praharaj,SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
26.08.2022

Order No.

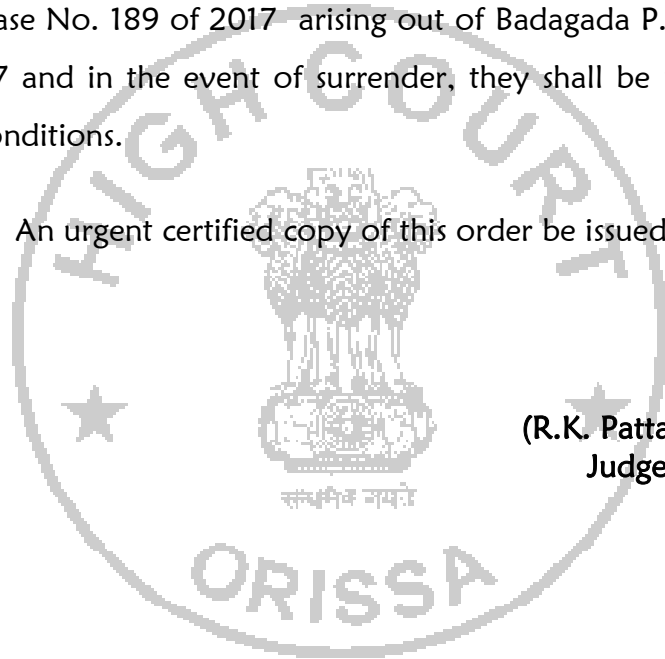
- 01.
1. Heard learned counsel for the petitioners and learned counsel for the State.
 2. The challenge is as to the issuance of NBWA directed by the learned J.M.F.C., Sorada, Ganjam in G.R. Case No. 189 of 2017 arising out of Badagada P.S. Case No. 135 of 2017 by order dated 16th May, 2019 on the grounds stated therein.
 3. Perused the impugned order which is at Annexure-1 but then the Court finds no legal error committed in issuing the NBWA against the petitioners as by the date fixed, they had defaulted in appearance. Further, the learned counsel for the petitioners submits that the petitioners were on bail since 2018, however, on account of their default, the impugned order was passed in 2019 and since then, the NBWAs are pending execution.

4. Having regard to the above facts, the Court is of the view that the petitioners were on previous bail and therefore they should be directed to surrender before the court below and released on bail with conditions.

5. Accordingly, it is ordered.

6. In the result, the CRLMC stands dismissed. However, regard being had to the facts and circumstances of the case, the petitioners are directed to surrender before the learned J.M.F.C., Sorada, Ganjam in G.R. Case No. 189 of 2017 arising out of Badagada P.S. Case No. 135 of 2017 and in the event of surrender, they shall be released on bail with conditions.

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



(R.K. Pattanaik)
Judge