

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1626 of 2022

Trilochan Mallik & Another

....

**Petitioners**

Mr. S.K.Mohanty, Advocate

-Versus-

State of Odisha

....

**Opposite Party**

Mr. T.K.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. Present petition under Section 482 Cr.P.C. is filed for quashing of the NBW passed in G.R. Case No. 421 of 2018 corresponding to Badagada P.S. Case No. 303 of 2018 by the learned J.M.F.C., Sorada on the grounds stated therein.
  3. Learned counsel for the petitioners submits that the petitioners were on court bail by order dated 30<sup>th</sup> January, 2019 in G.R. Case No. 421 of 2018 but subsequently, NBWAs have been issued against them on 5<sup>th</sup> February, 2020 since they defaulted in appearance. It is further submitted that the petitioners could not know about the date fixed by the learned court below, 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.

4. The Court perused the order dated 30<sup>th</sup> January, 2019 and does not find any illegality 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 they should be directed to surrender before the court below and released on bail with conditions which would serve the purpose.

5. Accordingly, it is ordered.

6. In the result, the CRLMC stands disposed of with a direction to the petitioners to surrender before the court of learned J.M.F.C., Sorada in connection with G.R. Case No. 421 of 2018 corresponding to Badagada P.S. Case No. 303 of 2018 on or before 15<sup>th</sup> September, 2022 and in the event of their surrender, the learned court below shall released them on bail subject to conditions.

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

**(R.K. Pattanaik)**  
**Judge**