

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1662 of 2022

Niranjan Samal & others *Petitioners*

-versus-

State of Odisha *Opposite Party*

CORAM: JUSTICE S.PUJAHARI

ORDER

12.07.2022

Order
No.

01.

1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the Petitioners and learned counsel for the State.
3. This application under Section 482 of Cr.P.C. has been filed by the Petitioners with a prayer to quash the order dated 11.03.2022 passed by the learned Addl. Sessions Judge, Athgarh in S.T. Case No.03 of 2022 wherein N.B.W. (A) has been issued against them.
4. It appears that the when the case was committed to the Court of Session, the Petitioners did not appear on the date fixed as such N.B.W(A) has been issued against them. Therefore, they have come to this Court challenging the order dated 11.03.2022 issuing N.B.W (A) against them.
5. Since the Petitioners did not appear before the committal court, the issuance of N.B.W(A) against them cannot be found fault

with. Therefore, this Court is not inclined to interfere with the impugned order.

6. However, during the course of hearing, it is submitted by the learned counsel for the Petitioners that since the Petitioners are now ready and willing to surrender before the trial court and cooperate with the trial, the trial court may be directed to release them on bail on any terms and conditions as it may deem just and proper.

7. Considering the facts and the submissions made, especially the fact that the Petitioners are ready and willing to surrender to custody of the Court and cooperate with the trial, this CRLMC stands disposed of with an observation that if the Petitioners appear before the trial court within three weeks hence and make a motion for bail in the aforesaid case, the court in seisin over the matter shall allow them to go on earlier bail bond and surety and if the same has been cancelled, the Petitioners may be directed to furnish fresh bail bonds with similar terms and conditions as earlier imposed along with a condition that they shall cooperate with the trial.

8. Till the aforesaid date, i.e. either the date of appearance before the trial court or on expiry of three weeks, whichever is earlier, the Petitioner shall not be arrested pursuant to the N.B.W.(A) issued.

9. With the aforesaid order, this Criminal Misc. Case stands disposed of.

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

(S. Pujahari)
Judge

PKS

