

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1671 of 2022

Jyotiranjana Mishra and another *Petitioners*
-versus-
State of Orissa *Opposite Party*

CORAM: JUSTICE S. PUJAHARI

ORDER
21.07.2022

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 17th May, 2022 passed by the learned Additional Sessions Judge, Rairakhol in T.R. Case No.11 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. Learned counsel for the Petitioners submits that he does not want to press this petition in respect of Petitioner No.2-Ananda Kumar Yadav.
5. So far as Petitioner No.1-Jyotiranjana Mishra is concerned, it is submitted by the learned counsel for the Petitioners that the case being transferred from the Court of Sessions Judge, Sambalpur to the Court of Additional Sessions Judge, Rairakhol, which was not within the knowledge of the Petitioner No.1, he could not appear before the said court on the date fixed, as such, N.B.W.(A) has been issued against him vide the aforesaid order to procure his attendance. However, it is submitted by the learned counsel for the Petitioners that the Petitioner

No.1 is 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 release him on bail on any terms and conditions as it may deem just and proper.

6. Considering the facts and submissions made, this Court dispose of this petition with an observation that if the Petitioner No.1 surrenders to custody of the Court in seisin over the matter within four weeks hence and moves for bail, the Court in seisin over the matter shall allow him to go on bail on such terms and conditions including the condition that he shall cooperate with the trial, provided his sureties appear and ready to continue to be so or otherwise ask him to furnish fresh bail bond or surety.

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

8. It is made clear that in spite of this order, if the Petitioner after his release again makes default in appearance, in the next coercive steps to be taken to procure his attendance, this fact 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