

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1738 of 2022

Bharat Bhusan Chalan and others

....

Petitioners

Mr. J.N. Panda, Advocate

-Versus-

State of Orissa

....

Opposite Party

Mr. Priyabrata Tripathy, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
12.09.2022

Order No.

02.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. has been filed by the petitioners challenging the order of NBWAs dated 27th September, 2018 passed by the learned A.D.J., Dharamgarh in C.T. No.66 of 2016 (Sessions) arising out of C.T. No.253 of 2012 on the grounds stated therein.
3. Perused the impugned order dated 27th September, 2018 at Annexure-1.
4. Learned counsel for the petitioners submits that the petitioners were on court bail but subsequently, NBWAs have been issued against them on 27th September, 2018 since they defaulted in appearance. It is further submitted that the petitioners could not know about the date fixed by the learned court below nor their Advocate had taken any step, 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.

5. The Court perused the order dated 27th September, 2018 but does not find any illegality being 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 in the facts and circumstances of the case, the petitioners should be directed to surrender before the court below and released on bail with conditions which instead would serve the purpose.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioners to surrender before the court of learned A.D.J., Dharamgarh on or before 28th September, 2022 in C.T. No.66 of 2016 (Sessions) arising out of C.T. No.253 of 2012 and in the event of their surrender, the court below shall release them on bail subject to conditions.

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

(R.K. Pattanaik)
Judge