

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1778 of 2022

Hule @ Huleswar Bagarti ***Petitioner***
-versus-
State of Odisha ***Opposite Party***

CORAM: JUSTICE S. PUJAHARI

Order
No.

ORDER
20.07.2022

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 Petitioner with a prayer to quash the order dated 16th September, 2016 passed by the learned Special Judge, Nuapada in S.T. No.24/4/6 of 2015-2017-2021 wherein N.B.W.(A) has been issued against him.
3. Heard the learned counsel for the Petitioner and the learned counsel for the State.
4. It appears that the Petitioner, who has been indicted in the aforesaid case which is triable by court of sessions, was on bail and facing trial, but when the case was posted on 16th September, 2016, he did not appear before the Court below and no step was taken on his behalf on the date fixed, as such, N.B.W.(A) has been issued against him vide the aforesaid order to secure his attendance. However, the Petitioner has challenged the same in this petition, but during course of hearing, it is submitted by the learned counsel for the Petitioners that since the matter has been compromised and the victim as well as the Petitioner are staying together and the Petitioner is now ready and willing to surrender before

the trial Court and cooperate with the trial, the trial Court may be directed to release him on bail on any terms and conditions as it may deem just and proper.

5. Since the case is of the year 2014 and Petitioner has come to this Court at a belated stage, this Court finds no reason to interfere with the impugned order.

6. However, it is open to the Petitioner to surrender before the Court in seisin over the matter within six weeks hence and if he surrenders and moves for bail, the Court in seisin over the matter shall consider and dispose of such petition of the Petitioner in course of the day taking note of the aforesaid contention in proper perspective without being influenced by the reluctance of this Court to interfere with the order of issuing of N.B.W.(A).

7. With the aforesaid order, this CRLMC stands disposed of.

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

(S. Pujahari)
Judge

DA