

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLMC No.1786 of 2022**

***Surya Kanta Nayak @ Surya Nayak .... Petitioners***  
***and another***  
***-versus-***  
***State of Odisha issa .... Opposite Party***

**CORAM: JUSTICE S. PUJAHARI**

**Order**  
**No.**

**ORDER**  
**05.08.2022**

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 Petitioners with a prayer to quash the order dated 22<sup>nd</sup> June, 2022 passed by the learned Additional Sessions Judge, Chatrapur in Sessions Trial No.183 of 2018 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. It appears that the Petitioners, who have been indicted in the aforesaid case, were on bail and facing trial, but when the case was posted on 22<sup>nd</sup> June, 2022, they did not appear before the Court below and no step was taken on their behalf on the date fixed, as such, N.B.W.(A) has been issued against them vide the aforesaid order to secure their attendance. However, the Petitioners have challenged the same in this petition, but during course of hearing, it is submitted by the learned counsel for the Petitioners that the Petitioners are 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 allow them on same bail.

5. Considering the facts and submissions made, especially the circumstances in which the N.B.W.(A) was issued, this Court thus finds no reason to interfere with the impugned order.

6. But, if the Petitioners would surrender to custody of the Court in seisin over the matter within four weeks hence and move for bail, the Court in seisin over the matter shall allow them to go on bail on such terms and conditions including the condition that they shall cooperate with the trial.

7. Till the aforesaid date, i.e., either the date of surrender before the trial Court or on expiry of four weeks, whichever is earlier, the Petitioners shall not be arrested pursuant to the N.B.W.(A) issued. But, on failure to comply with the order, there is no impediment to arrest them pursuant to the N.B.W.(A) issued.

8. It is made clear that in spite of this order, if the Petitioners after their release again make default in appearance, in the next coercive steps to be taken, this fact also 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**

DA

