

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

**CRLMC No.1788 of 2022**

***Johan Tirkey.***

....

***Petitioner***

***-versus-***

***State of Odisha.***

....

***Opposite Party***

**CORAM: JUSTICE S.PUJAHARI**

**ORDER**

**12.08.2022**

**Order No.**

01.

1. This matter is taken up through Hybrid mode.
2. The petitioner in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) has prayed for quashing of the order dated 18.04.2022 passed by the learned S.D.J.M., Panposh, Rourkela in G.R. Case No.1170 of 1996 issuing N.B.W.(A) 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, has not appeared pursuant to the summon issued, N.B.W.(A) has been issued against him vide the impugned order.

5. However, during the course of hearing, it is submitted by the learned counsel for the petitioner that since 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.

6. Learned counsel for the State vehemently opposes to release the petitioner on bail.

7. Considering the facts and submissions made, though this Court is not inclined to interfere with the impugned order, but directs that if the petitioner surrenders before the Court in seisin over the matter and moves for bail within four weeks' hence, the Court in seisin over the matter shall consider his bail application in its own merit preferably on the same day taking into consideration of all the attending circumstances and also the willingness of the petitioner to cooperate with the trial, so also keeping in view the law laid down in the case of ***Satender Kumar Antil vrs. Central Bureau of Investigation and another (Miscellaneous Application No.1849 of 2021 in Special Leave Petition (Crl.) No.5191 of 2021, decided on 11<sup>th</sup> of July, 2022***, if there is no other legal impediment.

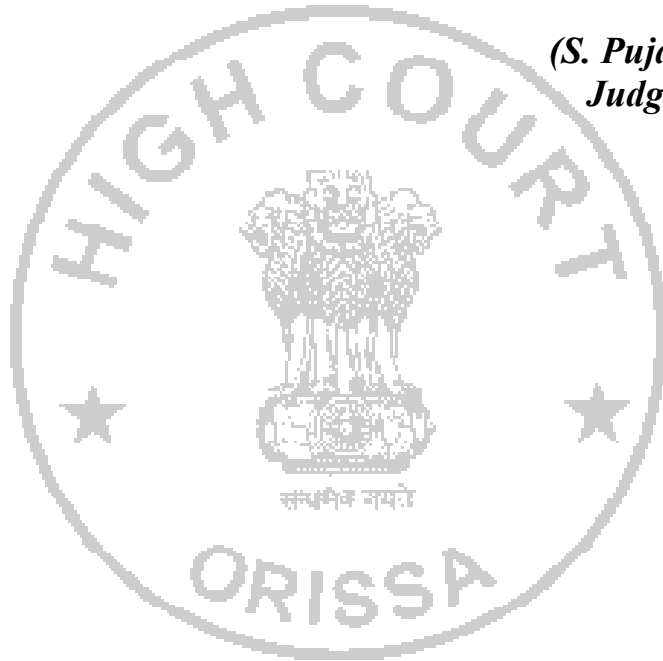
8. Till the aforesaid date, i.e., either the date of appearance before the trial Court or on expiry of four weeks, whichever is

earlier, the petitioner shall not be arrested pursuant to the N.B.W.(A) issued.

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

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

MRS



**(S. Pujahari)**  
**Judge**