

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1797 of 2022

Mithun Nayak

....

Petitioner

-versus-

State of Odisha

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER

21.07.2022

Order No.

01.

1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order dated 08.11.2021 passed by the learned Sessions Judge, Cuttack in S.T Case No.145 of 2018 wherein N.B.W. (A) has been issued against him.
4. It appears that the Petitioner, who has been indicted in the aforesaid case, was on bail but, when the case was posted on 08.11.2021, he did not appear before the court below, as such, N.B.W.(A) has been issued against him vide the aforesaid order to secure his attendance. But 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.

5. Learned counsel for the State vehemently opposes to release the Petitioner on bail.

6. Considering the facts and the 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 allow him to go on bail on such terms and conditions including the condition that he shall deposit an amount of Rs.20,000/- (rupees twenty thousand) before the court in seisin over the matter and if the Petitioner does not cooperate with the trial, the amount so deposited shall be forfeited. If the Petitioner does not surrender within the time stipulated, there is no impediment to execute the N.B.W.(A) issued against the Petitioner thereafter.

7. With the aforesaid order, this Criminal Misc. Case stands disposed of.

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

(S. Pujahari)
Judge

PKS