

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1839 of 2022

Mithun Swain and another Petitioners
Mr. Santosh Kumar Mahanty, Advocate

-Versus-

State of Odisha Opposite Party
Mr. Tapas Ku. Praharaj, S.C.

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
23.08.2022

Order No.

- 01.
1. Heard learned counsel for the petitioners and learned counsel for the State.
 2. Present petition under Section 482 Cr.P.C. has been filed by the petitioners for quashing of the order of NBW(A) dated 21st January, 2022 passed by the learned Additional Sessions Judge, Bhanjanagar in S.T. Case No.32 of 2021 corresponding to G.R. Case No.212 of 2020 arising out of Badagada P.S. Case No.129 of 2020 on the grounds stated therein.
 3. Learned counsel for the petitioners submits that petitioners were on bail but at the stage of framing of charge, they were absent, as a result of which, the learned court below passed the impugned order under Annexure-1 series. It is further submitted that the other accused persons were in judicial custody by then and as because they were absent on the date fixed, the order of NBW(A) was issued against them

4. It is submitted by learned Standing Counsel for the State that the petitioners had been granted bail during investigation but thereafter, they failed to turn up, as a result of which, learned court issued order of NBW(A) which perfectly justified.

5. On perusal of Anneuxre-1 series, it appears that the petitioners were granted court bail vide order dated 18th February, 2021. Having regards to the submissions of the learned counsel for the parties, the Court is of the view that the petitioners should be directed to surrender before the court below and released on bail so as to ensure expeditious disposal of the case, which would rather better serve the purpose.

6. Accordingly, it is ordered.

7. The CRLMC stands disposed of with a direction to the petitioners to surrender before the learned Additional Sessions Judge, Bhanjanagar in S.T. Case No.32 of 2021 corresponding to G.R. Case No.212 of 2020 arising out of Badagada P.S. Case No.129 of 2020 and in such event, they are to be released on bail subject to conditions and filing an undertaking that none shall flout the above order and remain present all along till conclusion of the trial.

(R.K. Pattanaik)
Judge