

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1857 of 2022

Hemanta Kumar Das and another Petitioners
Mr. Jayanta Kumar Majhi, Advocate

-Versus-

State of Odisha Opposite Party
Mr.P.K. Rout, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
20.09.2022

Order No.

01. 1. Heard learned counsel for the petitioners and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners challenging the order of NBWAs dated 27th April, 2002 passed by the learned 1st Addl. District Judge, Balasore in Spl. Case No.23(E) of 2015 arising out of Balasore Energy P.S. Case No.15 of 2015 on the grounds stated therein.
3. Perused the copy of the impugned order dated 27th April, 2002 at Annexure-1 and copy of the FIR as at Annexure-2.
4. Learned counsel for the petitioners submits that the petitioners were on bail but subsequently, NBWAs has been issued against them on 27th April, 2002 since they defaulted in appearance. It is further submitted that the petitioners could not know about the date fixed by the learned court below nor their Advocate had taken any step, as a result of which, the impugned order was passed and considering the fact that they were on previous bail, the petitioners

should be directed to surrender and allowed to go on bail with conditions.

5. The Court perused the order dated 27th April, 2002 but does not find any illegality being committed by the learned court below. In fact, the petitioners failed to turn up and on account of their default and since the defense counsel did not take any step on their behalf, the learned court below rightly issued the NBWs against them. However, at this juncture, the Court is of the view that in the facts and circumstances of the case, the petitioners should be directed to surrender before the court below and released on bail with conditions which instead would serve the purpose.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioners to surrender before the court of learned 1st Addl. District Judge, Balasore on or before 30th September, 2022 in Spl. Case No.23(E) of 2015 arising out of Balasore Energy P.S. Case No.15 of 2015 and in the event of their surrender, the court below shall release them on bail subject to conditions.

8. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge