

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1929 of 2022

Mahendra Kumar Pal

....

Petitioner

-versus-

State of Odisha & another

....

Opposite Parties

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 23.04.2022 passed by the C.J.M., Jagatsinghpur in ICC Case No.174 of 2017 wherein N.B.W. (A) has been issued against him.

4. It appears that the aforesaid case was transferred from the file of learned S.D.J.M., Jagatsinghpur to the file of learned C.J.M., Jagatsinghpur pursuant to the order dated 30.06.2021 passed by the learned Sessions Judge, Jagatsinghpur. No steps having been taken by the Petitioner, the N.B.W (A) has been issued against the Petitioner vide order dated 23.04.2022. However, the Petitioner has come forward to challenge the same, but during the course of hearing, it is submitted by the learned counsel for the Petitioner

that the Petitioner is now ready and willing to surrender before the trial court and cooperate with the trial and as such, the trial court may be directed to release him on bail on the same terms and conditions as imposed at the time of bail.

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 as it may deem just and proper. 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. 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.

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

(S. Pujahari)
Judge