

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2014 of 2022

Kuna Dash and others

....

Petitioners

Mr. Debasis Mohapatra, Advocate

-Versus-

State of Odisha

....

Opposite Parties

Mr. Priyabrata Tripathy, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
13.09.2022

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. has been filed by the petitioners challenging the order of NBWAs dated 29th March, 2017 passed by the learned S.D.J.M., Khordha in G.R. Case No.458 of 2009 arising out of Bolagarh P.S. Case No.41 of 2009 on the grounds stated therein.
3. Perused the copy of the impugned order dated 29th March, 2017 as at Annexure-1.
4. Learned counsel for the petitioners submits that the petitioners were earlier on court bail but subsequently, NBWAs have been issued against them on 29th March, 2017 since they defaulted in appearance. It is further submitted that the petitioners could not know about the date fixed by the learned court below, 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 29th March, 2017 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 NBWAs against them. However, at this juncture, the Court is of the view that the petitioners in the facts and circumstances of the case 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 S.D.J.M., Khordha on or before 28th September, 2022 in G.R. Case No.458 of 2009 arising out of Bolagarh P.S. Case No.41 of 2009 and in the event of their surrender, the learned 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