

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2035 of 2022

Bhima @ Bikash Behera and another Petitioners
Mr.Vivekanand Jena, Advocate

-Versus-

State of Odisha Opposite Party
Mr. Pradip Kumar Rout, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
05.09.2022

Order No.

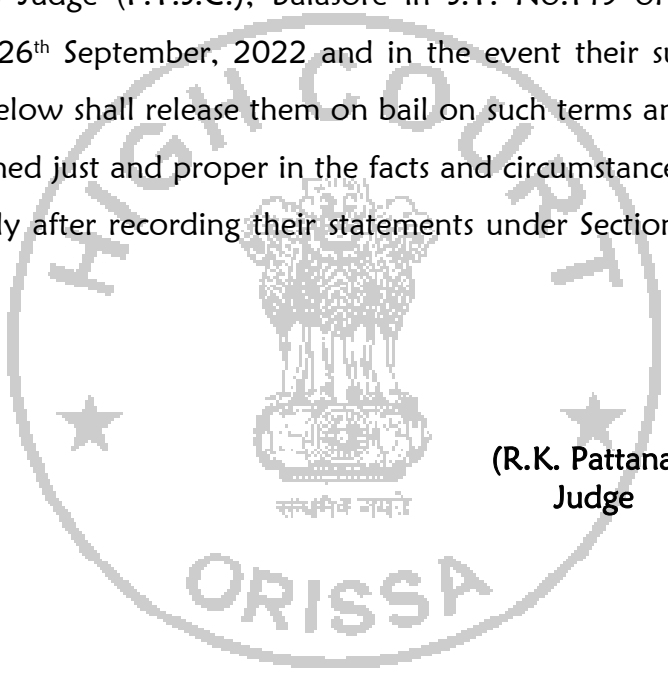
01.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The instant petition under Section 482 Cr.P.C. has been filed by the petitioners challenging the impugned order dated 15th February, 2020 under Annexure-2 passed by the learned court below whereby the non-bailable warrants of arrest have been issued against them on the grounds stated therein.
3. Perused the FIR as at Annexure-1 and also the copy of the impugned order i.e. Annexure-2.
4. Learned counsel for the petitioners submits that on the date fixed by the court below, they could not be present and as no step was taken by the conducting counsel appearing for the petitioners, learned court below issued the NBWAs, which are pending execution. It is submitted that the default was not intentional, which has been objected to by the counsel for the State.
5. However, this Court does not find any infirmity committed by the learned court below so as to warrant any interference as

there was default on the part of the petitioners for which the order of NBWAs has been issued, which is absolutely justified.

6. Having regard to the above facts and recording the submission that the NBWAs are still pending execution, this Court is of the opinion that the petitioners should be allowed to surrender before the court below and go on bail on such terms and conditions as would be fixed by the court below. Accordingly, it is ordered.

7. Consequently, the CRLMC stands disposed of directing the petitioners to surrender before the learned Ad-hoc Additional Sessions Judge (F.T.S.C.), Balasore in S.T. No.149 of 2016 on or before 26th September, 2022 and in the event their surrender, the court below shall release them on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case and only after recording their statements under Section 313 Cr.P.C.

The seal of the Orissa High Court is a circular emblem. It features the Ashoka Lion Capital in the center, with the motto 'सत्यमेव जयते' (Satyameva Jayate) in Devanagari script below it. The word 'ORISSA' is written in a large, bold, sans-serif font at the bottom. Two five-pointed stars are positioned on either side of the central emblem. The words 'HIGH COURT' are written in a semi-circle at the top.

(R.K. Pattanaik)
Judge