

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2045 of 2022

Ananta Bahubalendra.

....

Petitioner

-versus-

State of Odisha.

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER

12.08.2022

Order No.

01.

1. This matter is taken up through Hybrid mode.
2. The petitioner in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) has prayed for quashing of the order dated 17.05.2019 passed by the learned J.M.F.C., Banpur in G.R. Case No.328(B) of 2013 wherein N.B.W.(A) has been issued against him.
3. Heard the learned counsel for the petitioner and the learned counsel for the State.
4. It appears that the petitioner, who has been indicted in the aforesaid case, was on bail, but when the case was posted on 17.05.2019, he did not appear before the Court below, as such, N.B.W.(A) has been issued against him vide the aforesaid order to secure his attendance.

5. During the course of hearing, it is submitted by the learned counsel for the petitioner that the petitioner does not want to press the aforesaid prayer, but submits that since the petitioner is now ready and willing to surrender before the Court below and move for bail, the Court in seisin over the matter may be directed to release him on bail on any terms and conditions as it may deem just and proper.

6. Learned counsel for the State, however, vehemently opposes to release the petitioner on bail.

7. Considering the facts and submissions made, though this Court is not inclined to interfere with the impugned order, but directs that if the petitioner surrenders in the aforesaid case in the first hour before the learned J.M.F.C., Banpur within four weeks' hence and makes a motion for bail, the learned J.M.F.C. shall consider and dispose of the same in accordance with law on the same day taking note of all the attending circumstances including release of co-accused persons on bail, if there is no other legal impediment.

8. With the aforesaid order, this CRLMC stands disposed of.

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

(S. Pujahari)
Judge

MRS