

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2046 of 2022

Pratap Kumar Behera & another. Petitioners

-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 petitioners in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) have prayed for quashing of the order dated 09.12.2021 passed by the learned S.D.J.M., Rairakhol in G.R. Case No.490 of 2017 wherein N.B.W.(A) has been issued against them.
3. Heard the learned counsel for the petitioners and the learned counsel for the State.
4. It appears that the petitioners, who have been indicted in the aforesaid case, were on bail, but when the case was posted on 09.12.2021, they did not appear before the Court

below, as such, N.B.W.(A) has been issued against them vide the aforesaid order to secure their attendance. However, the petitioners have come forward to challenge the same, but during the course of hearing, it is submitted by the learned counsel for the petitioners that since the petitioners are now ready and willing to surrender before the trial Court and cooperate with the trial, the trial Court may be directed to release them on bail on the same terms and conditions as imposed at the time of bail.

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

6. Considering the facts and submissions made, though this Court is not inclined to interfere with the impugned order, but directs that if the petitioners appear before the trial Court within four weeks' hence and make a motion for bail in the aforesaid case, the Court in seisin over the matter shall allow them to go on bail with earlier bail bond and surety, provided their earlier surety appears and agrees for the same, but if the bail bond has been cancelled, the petitioners may be directed to furnish fresh bail bonds with similar terms and conditions as earlier imposed along with a condition that they shall cooperate with the trial.

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 petitioners shall not be arrested pursuant to the N.B.W.(A) issued.

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

