

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2086 of 2022

Litu Digal.

....

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 08.11.2018 passed by the learned J.M.F.C., G. Udayagiri in G.R. Case No.29 of 2000 issuing N.B.W.(A) 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 he did not appear before the Court below and no step was taken on his behalf on

the date fixed, N.B.W.(A) has been issued against him vide the impugned order.

5. However, during the course of hearing, it is submitted by the learned counsel for the petitioner that since the petitioner is now ready and willing to surrender before the trial Court and cooperate with the trial, the trial Court 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 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 before the Court in seisin over the matter and moves for bail within four weeks' hence, the Court in seisin over the matter shall consider his bail application in its own merit preferably on the same day taking into consideration all the attending circumstances and also the willingness of the petitioner to cooperate with the trial, so also keeping in view the law laid down in the case of ***Satender Kumar Antil vrs. Central Bureau of Investigation and another (Miscellaneous Application No.1849 of 2021 in Special Leave Petition (Crl.) No.5191 of 2021, decided on 11th of July, 2022***, if there is no other legal impediment.

8. 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.

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

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

MRS

