

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2097 of 2022

Rajkumar Panka @ Khandu *Petitioner*
-versus-
State of Odisha *Opposite Party*

CORAM: JUSTICE S. PUJAHARI

ORDER

10.08.2022

Order
No.

01. 1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order dated 20th December, 2021 passed by the learned Additional Sessions Judge (F.T.S.C.), Nabarangpur in T.R. Case No.28 of 2021 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-Opposite Party.
4. It appears that the Petitioner, who has been indicted in the aforesaid case, was on bail and facing trial, but when the case was posted on 20th December, 2021, he did not appear before the Court below and no step was taken on his behalf on the date fixed, as such, N.B.W.(A) has been issued against him vide the aforesaid order to secure his attendance. However, the Petitioner has challenged the same in this petition, but during

course of hearing, it is submitted by the learned counsel for the Petitioner that the Petitioner is now ready and willing to surrender before the trial Court and cooperate with the trial and as such, the trial Court may be directed to release him on bail on any terms and conditions as it may deem just and proper.

5. Considering the aforesaid facts and submissions made, especially the circumstances in which the N.B.W.(A) was issued, this Court finds no reason to interfere with the impugned order.

6. However, it is open to the Petitioner to surrender before the Court in seisin over the matter within six weeks hence and if he surrenders and moves for bail, the Court in seisin over the matter shall allow him to go on bail on such terms and conditions including the conditions that he shall cooperate with the trial and furnish cash security of Rs.10,000/- (Rupees ten thousand), besides the bail bond as surety before the said court.

7. Till the aforesaid date, i.e., either the date of surrender before the trial Court or on expiry of six weeks, whichever is earlier, the Petitioner shall not be arrested pursuant to the N.B.W.(A) issued.

8. It is made clear that if the Petitioner fail to cooperate with the trial, the amount deposited shall be immediately forfeited to the State besides other coercive steps to be taken

against him to secure his attendance and the sureties as permissible under law.

9. It is further observed that in spite of this order, if the Petitioner after his release again makes default in appearance, in the next coercive steps to be taken to procure his attendance, this fact also be reflected by the trial court.

10. No further extension of time shall be granted to the Petitioner to surrender.

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

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

(S. Pujahari)
Judge

DA