

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1311 of 2021

Gananath Pothal

....

Petitioner

Mr. S. Satapathy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Suryaranjan Roul, ASC

CORAM:

JUSTICE S.K. PANIGRAHI

ORDER

01.02.2022

Order No.

- 01.
1. The matter is taken up through video conferencing mode.
 2. Heard learned counsel for the petitioner and learned counsel for the State.
 3. The petitioner has filed this application under Section 482 of the Cr.P.C. to quash the order dated 26.04.2019 passed by the learned Special Judge, Vigilance, Cuttack in T.R. No.70 of 2009 issuing N.B.W. against him.
 4. Learned counsel for the petitioner submits that the petitioner was granted bail by the learned Special Judge, Vigilance vide order dated 03.04.2008 in BLAPL No.5 of 2008. He further submits that since then, the petitioner was regularly attending the court. But, due to his illness and communication gap between the petitioner and his conducting counsel on the date fixed, the N.B.W. was issued against the petitioner on 26.04.2019. Learned counsel for the petitioner submits that the petitioner undertakes to co-operate with the trial and appear before the court on each date of posting of the case.

5. Considering the aforesaid submissions, the petitioner is directed to surrender before the court in seisin over the matter within a period of fifteen days hence. Upon his surrender, the court in seisin over the matter shall consider for releasing him on bail with some stringent conditions so as to ensure his regular attendance before the court on each date of posting of the case. In addition, the petitioner shall deposit a sum of Rs.1,000/- (rupees one thousand only) as cost for non-compliance of the court's order. The said amount shall be deposited before the High Court Bar Associations Welfare Fund and copy of the said deposit shall be presented before the court in seisin over the matter.

6. In view of the above, the order of issuance of N.B.W. against the petitioner on 26.04.2019 in T.R. No.70 of 2009 is quashed.

7. Accordingly, the CRLMC is disposed of.

8. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court's Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge

PCD