

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2121 of 2022

Somnath Sahu & another. ***Petitioners***

-versus-

Union of India (Railway). ***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 22.03.2022 passed by the learned S.D.J.M., Rayagada in 2(C) C.C. No.7 of 2007 wherein N.B.W.(A) has been issued against them.
3. Heard the learned counsel for the petitioners and Ms. Babita Sahoo, learned counsel appearing for the opposite party-Railway.
4. It appears that the petitioners, who have been indicted in the aforesaid case, were on bail, but when the case was posted on 22.03.2022, 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 opposite party-Railway, however, vehemently opposes to release the petitioners on bail.

6. Considering the facts and submissions made, especially the fact that the petitioners are ready and willing to surrender to custody of the Court and cooperate with the trial, this CRLMC stands disposed of with an observation 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 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. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge