

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2135 of 2022

Pramod Digal @ Pramod Kumar ***Petitioner***
Digal.

-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 24.02.2022 passed by the learned Addl. Sessions Judge, FTC, Phulbani in C.T. Case No.42 of 2017 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.
4. It appears that the petitioner, who has been indicted in the aforesaid case, was on bail, but when the case was posted on 24.02.2022, he did not appear before the Court below, as such, N.B.W.(A) has been issued against him vide the aforesaid order to secure his attendance. However, the petitioner has come forward to challenge the same, but 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 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, especially the fact that the petitioner is 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 petitioner appears before the trial Court within four weeks' hence and makes a motion for bail in the aforesaid case, the Court in seisin over the matter shall allow him to go on earlier bail bond and surety, provided his earlier surety appears and agrees for the same, but if the bail bond has been cancelled, the petitioner may be directed to furnish fresh bail bonds with similar terms and conditions as earlier imposed along with a condition that he 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 petitioner 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

MRS