

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2235 of 2022

Panchu @ Panchanana Mallik & Others Petitioners
Mr. S.K.Dwibedi, Advocate

-Versus-

State of Odisha Opposite Party
Mr.S.S.Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
05.09.2022

Order No.

- 01.
1. Heard learned counsel for the petitioners and learned counsel for the State.
 2. The present challenge is as to the issuance of NBWAs by an order dated 10th May, 2022 passed in S.T.Case No. 17/83 of 2021/2020 arising out of G.R. Case No. 49 of 2012 corresponding to Fategarh P.S. Case No. 29 of 2012 by the learned Asst.Sessions Judge, Khandapara on the grounds stated therein.
 3. Perused the impugned order which is at Annexure-1.
 4. Learned counsel for the petitioners submits that the petitioners were on court bail but subsequently, NBWAs have been issued against them on 10th May, 2022 since they defaulted in appearance. It is further submitted that the petitioners could not know about the date fixed by the learned court below, as a result of which, the impugned order was passed and considering the fact that they were on previous

bail, the petitioners should be directed to surrender and allowed to go on bail with conditions.

5. The Court perused the order dated 10th May, 2022 but does not find any illegality committed by the learned court below. In fact, the petitioners failed to turn up and on account of their default and since the defense counsel did not take any step on their behalf, the learned court below rightly issued the NBWAs against them. However, at this juncture, the Court is of the view that the petitioners should be directed to surrender before the court below and released on bail with conditions which instead would serve the purpose.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioners to surrender before the court of learned Asst. Sessions Judge, Khandapara on or before 21st September, 2022 in connection with S.T. Case No. 17/83 of 2021/2020 arising out of G.R. Case No. 49 of 2012 corresponding to Fategarh P.S. Case No. 29 of 2012 and in the event of their surrender, the learned court below shall released them on bail subject to conditions.

8. An urgent certified copy of this order be issued as per rules

(R.K. Pattanaik)
Judge