

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2332 of 2022

Rajulal Jaty & Another

....

Petitioners

Mr. S.R.Mulia, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr.P.K.Rout, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
12.09.2022

Order No.

01.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The present petition is filed against the order of issuance of NBWAs vis-à-vis the petitioners in connection with C.T. (SS). Case No. 121 of 2022 arising out of Hindol P.S. Case No. 102 of 2019 pending before the learned court of Sessions Judge, Dhenkanal on the grounds stated therein.
3. Perused the impugned order which is at Annexure-2.
4. Learned counsel for the petitioners submits that the petitioners were on bail by order dated 16th April, 2022 but subsequently, NBWAs have been issued against them on 27th June, 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. The learned counsel for the State submits that the petitioners failed to appear before the court below and therefore, the impugned order under Annxure-2 was rightly passed.

5. The Court perused the order dated 27th June, 2022 but does not find any illegality being committed by the learned court below. In fact, the petitioners failed to turn up and on account of their default, the learned court below correctly issued the NBWAs against them. However, at this juncture, the Court is of the view that the petitioners in the facts and circumstances of the case should be directed to surrender before the court below and released on bail with conditions.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioners to surrender before the learned court of Sessions Judge, Dhenkanal on or before 28th September, 2022 in connection with C.T. (SS). Case No. 121 of 2022 arising out of Hindol P.S. Case No. 102 of 2019 and in the event of their surrender, the court shall release them on bail with conditions.

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

(R.K. Pattanaik)
Judge