

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2360 of 2022

Susanta Kumar Dalei and others

....

Petitioners

Mr. Pradipta Beura, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. Pradip Kumar Rout, AGA

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

23.09.2022

Order No.

01.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners challenging the order of NBWAs dated 6th July, 2022 passed by the learned Additional Sessions Judge, Athagarh in S.T. Case No.79 of 2021 arising out of Baramba P.S. Case No.65 of 2017 on the grounds stated therein.
3. Perused the copy of the charge-sheet at Annexure-1 and copy of the impugned order dated 6th July, 2022 as at Annexure-2.
4. Learned counsel for the petitioners submits that the petitioners were earlier on bail but subsequently, NBWAs has been issued against them on 6th July, 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 nor their Advocate had taken any step, 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 6th July, 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 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 in the facts and circumstances of the case, 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 Additional Sessions Judge, Athagarh in S.T. Case No.79 of 2021 arising out of Baramba P.S. Case No.65 of 2017 and in the event of their surrender, the court below shall release them on bail subject to conditions.

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

(R.K. Pattanaik)
Judge