

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2416 of 2022

Baruna Gouda and another

....

Petitioners

Mr. D.R. Bhokta, Advocate

-Versus-

State of Orissa

....

Opposite Party

Mr.S.S.Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
16.09.2022

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. has been filed by the petitioners challenging the order of NBWAs dated 7th April, 2022 passed by the learned Civil Judge-cum-J.M.F.C., Jharigaon in G.R. Case No.657 of 2017 arising out of Jharigaon P.S. Case No.114 of 2017 on the grounds stated therein.

3. Perused the copy of the FIR at Annexure-1 and copy of the order sheet as at Annexure-2.

4. Learned counsel for the petitioners submits that the petitioners were on court bail but subsequently, NBWAs have been issued against them on 7th April, 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 7th April, 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 Civil Judge-cum-J.M.F.C., Jharigaon on or before 30th September, 2022 in G.R. Case No.657 of 2017 arising out of Jharigaon P.S. Case No.114 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