

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2576 of 2022

Balaram Behera @ Gelua and others Petitioners
Mr. Jyotirmaya Sahoo, Advocate

-Versus-

State of Odisha Opposite Party
Mr. Priyabrata Tripathy, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
27.09.2022

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 issuance of NBWAs dated 27th June, 2022 passed by the learned J.M.F.C., Kodala in G.R. Case No.90 of 2016 arising out of Kodala P.S. Case No.54 of 2016 on the grounds stated therein.
3. Perused the copy of the impugned order as at Annexure-1.
4. Learned counsel for the petitioners submits that the petitioners were earlier on bail 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 attend the court 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 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 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 J.M.F.C., Kodala on or before 20th October, 2022 in G.R. Case No.90 of 2016 arising out of Kodala P.S. Case No.54 of 2016 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