

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2642 of 2022

Gayadhar Rout and another Petitioners
Mr. Deepak Kumar Sahoo, Advocate

-Versus-

State of Odisha Opposite Party
Mr.P.K. Rout, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
29.09.2022

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 11th August, 2014 passed by the learned District and Sessions Judge, Kendrapara in S.T. No.66 of 2011 arising out of G.R. Case No.942 of 2000 on the grounds stated therein.
 3. Perused the copy of impugned order as at Annexure-1 and copy of the FIR under Annexure-2 series.
 4. Learned counsel for the petitioners submits that the petitioners were on court bail but subsequently, NBWAs have been issued against them on 11th August, 2014 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 11th August, 2014 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 District and Sessions Judge, Kendrapara on or before 20th October, 2022 in S.T. No.66 of 2011 arising out of G.R. Case No.942 of 2000 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