

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2671 of 2022

Mohan Sethi @ Tuku and another Petitioners
Mr. Asit Kumar Jena, Advocate

-Versus-

The State of Orissa Opposite Party
Mr. S.S. Mohapatra, ASC

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 3rd December, 2015 passed by the learned J.M.F.C., Aul in G.R. Case No.212 of 2012 arising out of Aul P.S. Case No.136 of 2012 on the grounds stated therein.
 3. Perused the copies of the FIR and Charge-sheet at Annexure-1 series and copy of the impugned order dated 3rd December, 2015 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 3rd December, 2015 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 3rd December, 2015 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., Aul in G.R. Case No.212 of 2012 arising out of Aul P.S. Case No.136 of 2012 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