

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2731 of 2022

Subash Naik & Others

....

Petitioners

Mr. Suresh Ku.Jena, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr.P.K.Rout, AGA

**CORAM:
MR. JUSTICE R.K. PATTANAIK**

**ORDER
29.09.2022**

Order No.

- 01.
1. Heard learned counsel for the petitioners and learned counsel for the State.
 2. The present petition is filed against the order of issuance of NBWAs vis-à-vis the petitioners in connection with G.R. Case No. 23 of 2000 arising out of Colliery P.S. Case No. 09 of 2000 pending before the learned court of J.M.F.C., Talcher on the grounds stated therein.
 3. Learned counsel for the petitioners submits that the petitioners were on bail from the year 2000 but subsequently, NBWAs have been issued against them on 1st October, 2021 since they defaulted in appearance. It is further submitted that the petitioners could not know about the date fixed by the learned court below, 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. Learned counsel for the State submits that the petitioners defaulted long back and as they failed to appear before the court below, therefore, the impugned order under Annxure-1 was rightly passed.

4. The Court perused the order dated 1st October, 2021 but does not find any illegality 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 the petitioners in the facts and circumstances of the case should be directed to surrender before the court below and released on bail with conditions.

5. Accordingly, it is ordered.

6. In the result, the CRLMC stands disposed of with a direction to the petitioners to surrender before the learned court of J.M.F.C., Talcher on or before 20th October, 2022 in connection with G.R. Case No. 23 of 2000 arising out of Colliery P.S. Case No. 09 of 2000 and in the event of their surrender, the court shall release them on bail with conditions.

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

(R.K. Pattanaik)
Judge