

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2756 of 2022

Tukuna @ Ranjit Patra & Another

....

Petitioners

Mr. D.R.Mishra, 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. The present petition is filed against the order of issuance of NBWAs vis-à-vis the petitioners in connection with in connection with G.R. Case No.143 (A) of 2021 arising out of Ambadola P.S. Case No. 49 of 2021 corresponding to C.T. Case No. 06/2022a pending before the learned court of Additional Sessions Judge, Gunupur at Rayagada on the grounds stated therein.
3. Perused the impugned order which is at Annexure-2.
4. Learned counsel for the petitioners submits that the petitioners were on bail but subsequently, NBWAs have been issued against them on 11th 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, 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. The learned counsel for the State submits that the petitioners failed to appear before the court below and therefore, the impugned order under Annxure-2 was rightly passed.

5. The Court perused the order dated 11th 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, the learned court below correctly 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.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioners to surrender before the learned court of Additional Sessions Judge, Gunupur at Rayagada on or before 20th October, 2022 in connection with in connection with G.R. Case No.143 (A) of 2021 arising out of Ambadola P.S. Case No. 49 of 2021 corresponding to C.T. Case No. 06/2022 and in the event of their surrender, the court shall release them on bail with conditions.

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

(R.K. Pattanaik)
Judge