

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2830 of 2022

Rahul Kumar Behera @ Bubu and
Others

....

Petitioners

Mr. A.S. Paul, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. T.K. Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
21.10.2022

Order
No.
01.

1. Heard learned counsel for the petitioners and learned Standing Counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the issuance of NBW(A) dated 18th July, 2022 directed by the court of learned Adhoc Additional District and Sessions Judge (FTSC), Angul on the grounds stated therein.
3. Perused the impugned order dated 18th July, 2022 as at Annexure-3.
4. Learned counsel for the petitioners submits that the petitioners were on bail but on the date fixed, they could not appear and no step was either taken on their behalf by the engaged counsel, for which, the court below issued NBWA against them

fixing the case to 29.08.2022 for their production and considering the same, appropriate order may be passed.

5. Though the Court does not find any wrong or error being committed by the learned court below while issuing NBWA on account of default of the petitioners but then having regard to the fact that they were bail, it is of the view that in the facts and circumstances of the case, the petitioners should be allowed to surrender and go 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 Adhoc Additional District and Sessions Judge (FTSC), Angul on or before 10th November, 2022 in Special (POCSO) Case No.32 of 2016 arising out of Angul P.S. Case No.125 of 2016 and in the event of their surrender, the court shall release them on bail with conditions as deem just and proper.

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

(R.K. Pattanaik)
Judge