

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2850 of 2022

Bijay Nayak @ Bijay Kumar Nayak & Others Petitioners

Mr. Kuldeep Mohanty, Advocate

-Versus-

State of Odisha Opposite Party
Mr. Rajesh Kumar Tripathy, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
01.11.2022

Order No.

01. 1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The present challenge is as to the issuance of NBWAs by an order dated 21st June, 2019 passed in G.R. Case No. 218 of 2009 corresponding to Kaptipada P.S. Case No. 48 of 2009 by the learned J.M.F.C., Udala on the grounds stated therein.
3. Perused the F.I.R. which is at Anneuxre-2 so also the impugned order i.e. Anneuxre-1.
4. Learned counsel for the petitioners submits that the petitioners were on court bail from the year 2015 but subsequently, NBWAs were issued against them on 21st June, 2019 fixing their production on 16th July, 2019. It is further submitted that the default of the petitioners was unintentional and not deliberate and therefore, the order should

be recalled. 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 bail, the petitioners should be directed to surrender and allowed to go on bail with conditions.

5. Having gone through the impugned order of issuing NBWAs, the Court does not find any error or legal infirmity therein, as the learned court below correctly passed the order, however, having regard to the fact that they were on bail, the petitioners should be directed to surrender and released on bail subject to conditions imposed by the court below.

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., Udala on or before 18th November, 2022 G.R. Case No. 218 of 2009 corresponding to Kaptipada P.S. Case No. 48 of 2009 and in the event of their surrender, the learned court below shall release them on bail and till then, no coercive action shall be taken against them on NBWAs.

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

(R.K. Pattanaik)
Judge