

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2896 of 2022

Bitu Das and others

....

Petitioners

Mr. Santosh Kumar Mahanty, Advocate

-Versus-

State of Orissa

....

Opposite Party

Mr. Tapas Kumar Praharaj, SC

**CORAM:
MR. JUSTICE R.K. PATTANAİK**

**ORDER
04.11.2022**

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 dated 31st March, 2022 passed by the learned J.M.F.C., Kodala in G.R. Case No.163 of 2017 arising out of Kodala P.S. Case No.146 of 2017 for having issued the non-bailable warrant of arrest against the petitioners on the grounds stated therein.
 3. Perused the impugned order at Annexure-1 series.
 4. It is submitted by the learned counsel for the petitioners that the petitioners were on bail earlier but they failed to turn up on the date fixed, whereafter, the order of NBWA has been issued.

5. Considering the submissions of the learned counsel for the parties and having regard to the fact that petitioners did not turn up at the time of call, learned court below took coercive action against them and hence, the impugned order under Annexure-1 series cannot be said to have suffered from any legal infirmity. However, at this juncture, in the facts and circumstances of the case, the Court is also of the view that the petitioners 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 J.M.F.C., Kodala on or before 23rd November, 2022 in G.R. Case No.163 of 2017 arising out of Kodala P.S. Case No.146 of 2017 and move for bail and in such an event, they shall be released on bail with conditions keeping in view the facts and circumstances of the case.

8. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge

U.K. Sahoo