

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3025 of 2022

Purna Chandra Jena and Another Petitioners
Mr. Jagannath Kamila, Advocate

-Versus-

State of Odisha Opposite Party
Mr.T.K. 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 25th April, 2022 passed by the learned District & Sessions Judge, Balasore in Sessions Trial Case No.125 of 2020 arising out of Basta P.S. Case No.235 of 2015 for having issued non-bailable warrants of arrest against them on the grounds stated therein.
3. Perused the copy of the impugned order as at Annexure-2.
4. It is submitted by the learned counsel for the petitioners that the petitioners were earlier on bail but they failed to turn up on the date fixed, whereafter, the order of NBWAs have 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-2 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 District & Sessions Judge, Balasore on or before 23rd November, 2022 in Sessions Trial Case No.125 of 2020 arising out of Basta P.S. Case No.235 of 2015 and in the event they surrender, the court below shall release them on bail with conditions keeping in view the facts and circumstances of the case.

8. Issue urgent certified copy of this order on proper application.

(R.K. Pattanaik)
Judge