

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1995 of 2021

***Papu @ Galua @ Santosh Ku.
Mohapatra***

Petitioner

Mr. Sushanta Hari Chandan, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. D. Mund, AGA

CORAM: JUSTICE V. NARASINGH

**ORDER
23.03.2022**

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and the learned State counsel.
3. Being aggrieved by the order dated 20.09.2021 by which the NBW was issued against the petitioner in C.T. Case No.454(A) of 2007, arising out of Deogarh P.S. Case No.152 of 2007, on the file of learned S.D.J.M. Deogarh, this CRLMC has been filed.
- 4 On perusal of the impugned order, it is seen that instead of appearing on the date fixed by virtue of the order passed by the Executive Magistrate, the petitioner filed an application for adjournment stating inter alia that since he is a Diabetic patient

he cannot appear as on the same day he has an appointment with his doctor for health check-up.

5. Taking into account the reason for non-appearance of the petitioner as stated in the order dated 20.09.2021, this Court directs that if the petitioner surrenders within three weeks hence and applies for bail the same shall be considered by the learned Court in seisin of the matter on its own merits.

6. In the event of his surrender and motion for bail the shall be considered by the learned S.D.J.M. Deogarh on merits in accordance with law, in the first hour of the day. In the event of rejection of the prayer for bail by S.D.J.M. Deogarh, the petitioner is at liberty to move the higher forum for bail in the second hour on the same day. On being so moved, the higher forum shall try and dispose of the bail application of the petitioner on the same day on merit in accordance with law.

7. The Case Diary be made available to the concerned Courts to facilitate disposal of the bail application of the petitioners, and learned S.D.J.M. Deogarh is called upon to transmit the case record to the higher forum in the second hour, in the event of rejection of the bail application by him.

8. Ground of parity, if any, may be considered by the learned Court(s) below on same being canvassed by learned counsel for the petitioner at the time of consideration of the bail application(s).

9. For a period of three weeks from today, no coercive action shall be taken against the petitioner in pursuance of the order dated 20.09.2021.

10. The CRLMC accordingly stands disposed of.

11. Urgent certified copy of this order be granted as per rule.

Santoshi

