

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No. 3174 of 2022

1. Biswanath Dash
2. Brundaban Dash
3. Kshyama Dash

....

Petitioners

Mr. B.K. Behera, Adv

Versus

State of Odisha

....

Opposite Party

Mrs. S. Pattanaik,
AGA

CORAM:

JUSTICE SAVITRI RATHO

ORDER

11.11.2022

Order No.

01.

(Through hybrid mode)

1. This application under Section 482 Cr.P.C. has been filed challenging the order dated 22.07.2022 passed by the learned SDJM, Jajpur in C.T. Case No. 318 of 2019 arising out of Binjharpur P.S. Case No. 65 of 2019 issuing NBW of arrest against all the accused persons which includes the three petitioners for their non-appearance.

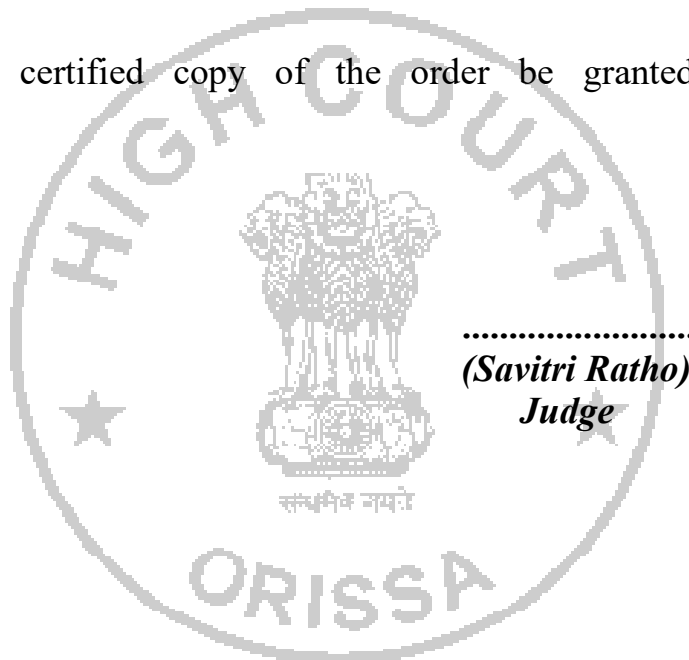
2. Mr. Behera, learned counsel for the petitioners submits that pursuant to the order dated 08.10.2021 passed in ABLAPL No. 14566 of 2019 by this Court, the petitioners have been released on bail on 28.10.2021. After filing of charge sheet and framing of charge, due to communication gap with their counsel they were unaware that the next date in the case was 22.07.2022 for which they could not remain present in the court on the said date nor any steps were taken on their behalf.

3. I do not find any illegality in the order dated 22.07.2022. But as learned counsel for the petitioner submits that this is the first default of

the petitioners, the other five co-accused persons against whom NBW has been issued have been arrested and subsequently released on bail and if the petitioners appear in the case the trial can proceed, it is directed that if the petitioners surrender before the learned SDJM, Jajpur in the aforesaid case on or before 02.12.2022 and file an application for releasing them on bail the learned trial court shall do well to release them on bail on such terms and conditions as deemed fit and proper by it if it finds that the aforesaid submissions made on behalf of the petitioners are correct.

4. Urgent certified copy of the order be granted on proper application.

Sangram



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(Savitri Ratho)
Judge