

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3248 of 2022

Maheswar Dalei and others

....

Petitioners

Mr. Akshaya Kumar Sahoo, Advocate

-Versus-

State of Orissa

....

Opposite Party

Mr. S.S. Mohapatra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

15.11.2022

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 15th September, 2022 passed by the learned J.M.F.C., Ranpur in G.R. Case No.168 of 2009 arising out of Ranpur P.S. Case No.169 of 2009 for having issued non-bailable warrant of arrest against them on the grounds stated therein.
 3. Perused the copy of the impugned order at Annexure-1 and the impugned order as at Annexure-2.
 4. It is submitted by learned counsel for the petitioners that petitioners were earlier on bail dated 22nd April, 2015 but they failed to turn up on the date fixed, whereafter, the order of NBWAs has been issued.
 5. Considering the submissions of the learned counsel for the parties and having regard to the fact that petitioner 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 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., Ranpur on 2nd December, 2022 in G.R. Case No.168 of 2009 arising out of Ranpur P.S. Case No.169 of 2009 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

U.K.Sahoo

