

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3272 of 2022

Debesh Chandra Nayak & Another

Petitioners

Mr. B.C. Ghadei, Advocate

-Versus-

State of Odisha

.... Opposite Party

Mr. Tapas Ku.Praharaj, SC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

18.11.2022

Order
No.

- 01.
1. Heard learned counsel for the petitioners and learned counsel for the State.
 2. The present petition is filed under Section 482 Cr.P.C. against the order of issuance of NBWAs vis-à-vis the petitioners in connection with C.T. No. 1574 of 2013 Balasore Town Case No. 182 of 2013 pending before the court of learned SDJM, Balasore on the grounds stated therein.
 3. Perused the impugned order which is at Annexure-1.
 4. Learned counsel for the petitioners submits that the petitioners were on bail by this Court in the year 2014 but subsequently, NBWAs have been issued against them by order dated 1st November, 2017 as they defaulted in appearance but such default was unintentional. It is further submitted that due to non-appearance, the impugned order was passed and considering the fact that they were on previous bail,

the petitioners should be directed to surrender and allowed to go on bail with conditions.

5. The Court does not find any error or legal infirmity in the impugned order dated 1st November, 2017, inasmuch as, the learned court below rightly passed the order since the petitioners defaulted on the date fixed, however, in the facts and circumstances of the case, the petitioners should be directed to surrender and released on bail subject to conditions imposed by the court below.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioners to surrender before the court of learned SDJM, Balasore on or before 9th December, 2022 C.T. No. 1574 of 2013 Balasore Town Case No. 182 of 2013 and in the event of their surrender, the court shall release them on bail with conditions.

8. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

kabita

