

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3273 of 2022

R. Adiamo Patra and Another Petitioners
Mr. Jyotirmaya Sahoo, Advocate

-Versus-

State of Odisha Opposite Party
Mr. Sitikanta Mishra, ASC

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. Instant petition under Section 482 Cr.P.C. is filed by the petitioners challenging the order dated 5th August, 2022 passed by the learned 2nd Additional Sessions Judge, Berhampur in S.T. Case No.157 of 2012 (G.R. No.318 of 2011) arising out of Digapahandi P.S. Case No.154 of 2011 for having issued non-bailable warrant of arrests against them on the grounds stated therein.
3. Perused the copy of the impugned order at Annexure-1.
4. It is submitted by learned counsel for the petitioners that petitioners were earlier on bail 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 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-1 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 2nd Additional Sessions Judge, Berhampur on or before 9th December, 2022 in S.T. Case No.157 of 2012 (G.R. No.318 of 2011) arising out of Digapahandi P.S. Case No.154 of 2011 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