

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2124 of 2021

Anadi Nayak

....

Petitioner

Mr. Tara Prasad Mohapatra, Adv.

-versus-

State of Orissa

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM:
JUSTICE S.K. PANIGRAHI

ORDER
19.01.2022

Order No.

01. 1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel for the State.
3. The Petitioner, in this case, has assailed the order dated 17.02.2020 passed by the learned A.S.J., Mayurbhanj, Baripada in S.T. Case No.151 of 2017 rejecting his application under Section 317 of the Cr.P.C. and also issuing N.B.W. against him.
4. Learned counsel for the Petitioner submits that the Petitioner is on bail without violating the bail condition. However, on 17.02.2020, he could not remain present in court because of the reasons beyond his control. Hence, the learned A.S.J., Mayurbhanj, Baripada rejected his application filed under Section 317 of the Cr.P.C. and issued N.B.W. against him on the ground that he has violated the condition of bail. He further submits that the petitioner undertakes that he will cooperate till

the end of the trial and appear before the court on each date of posting without fail, failing which, fresh N.B.W. be issued against him.

5. In view of such facts and submissions made by the learned counsel for the Petitioner, this Court is inclined to allow the CRLMC. Accordingly, the order dated 17.02.2020 passed by the learned A.S.J., Mayurbhanj, Baripada in the aforesaid case, so far it relates to issuance of N.B.W. against the petitioner-Anadi Nayak is hereby quashed.

6. The petitioner is directed to surrender before the court in *seisin* over the matter in the aforesaid case and move for bail within a period of fifteen days hence. On such event, the said court shall release him on bail with some stringent conditions so as to enable him to appear before the court on each date of posting of the case. In addition, the petitioner shall deposit a sum of Rs.1,000/- (rupees one thousand only) as cost for violating the court's order. The said amount shall be deposited with the High Court Bar Associations Welfare Fund and copy of the said deposit shall be presented before the court in *seisin* over the matter.

7. Accordingly, the CRLMC is disposed of.

8. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate

concerned with his/her seal, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020 and Court's Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge

BJ

