

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3502 of 2022

Surendra Kumar Swain @ Surendra Swain @ Badal @ Pintu and others Petitioners
Mr. Satyapurna Panda, Advocate

-Versus-

State of Odisha Opposite Party
Mr. Sitikanta Mishra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
02.12.2022

Order No.

01.

1. Heard learned counsel for the respective parties.
2. A copy of the petition is served on Mr.Sitikanta Mishra, learned ASC for the State in Court today.
3. Instant petition under Section 482 Cr.P.C. is filed by the petitioners challenging the order dated 17th October, 2022 passed by the learned J.M.F.C., Daspalla in G.R. Case No.287 of 2018 arising out of Daspalla P.S. Case No.165 of 2018 for having issued non-bailable warrant of arrests against the petitioners on the grounds stated therein.
4. Perused the copy of the FIR at Annexure-1 and copy of the impugned order as at Annexure-2.
5. It is submitted by the learned counsel for the petitioners that the petitioners were earlier on bail vide order dated 3rd August, 2020 passed in ABLAPL No.8132 of 2020 but they failed to turn up on the date fixed, whereafter, the order of NBWAs have been issued.

6. 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-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 also of the view that the petitioners should be directed to surrender before the court below and released on bail with conditions.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands disposed of with a direction to the petitioners to surrender before the learned J.M.F.C., Daspalla on or before 20th December, 2022 in G.R. Case No.287 of 2018 arising out of Daspalla P.S. Case No.165 of 2018 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.

9. Issue urgent certified copy of this order on proper application.

(R.K. Pattanaik)
Judge