

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3701 of 2022

Dipu @ Sangram Keshari Pradhan

.....

Petitioner

Mr. G. Mohanty, Adv.

Vs.

State of Odisha

.....

Opposite Party

Mr. D. Nayak, A.G.A.

CORAM:

JUSTICE SAVITRI RATHO

ORDER

08.12.2022

Order No.

01.

(Through hybrid mode)

1. Heard Mr. G. Mohanty, learned counsel for the petitioner.
2. This application under section 482 of the Code of Criminal Procedure has been filed by the petitioner challenging the order dated 15.10.2022 passed by the learned J.M.F.C., Athagarh in C.T. Case No.570 of 2012 issuing N.B.W. of arrest against the petitioner.
3. Mr. Mohanty, learned counsel for the petitioner submits that the case is one under Section 392 of IPC and during investigation the petitioner had been released on bail on 16.10.2012 and charge sheet was submitted on 20.01.2015. The case was initially in the file of the Court of the learned S.D.J.M., Athagarh, but subsequently has been transferred to the learned J.M.F.C., Athagarh and the petitioner has been appearing on all the dates before the two Courts till 15.10.2022. However, on 15.10.2022 when the matter was listed before the learned J.M.F.C., Athagarh on account of communication gap between the petitioner and his counsel, he could not appear in the case nor could any steps be taken on his behalf by his counsel. He further submits that the petitioner is willing to abide with any condition which may be imposed for releasing him on bail.
4. Perusal of the impugned order reveals that on 15.10.2022 all the accused persons were absent and N.B.W. of arrest has been

issued against the accused persons including the petitioner.

5. There is no illegality in the impugned order and it does not call for any interference. However, considering the submissions of the learned counsel for the petitioner that it was the first default of the petitioner and he is willing to abide with any condition which may be imposed for releasing him on bail, it is directed that if the petitioner surrenders in the Court of learned J.M.F.C. Athagarh by 30.12.2022 and files an application for bail, he shall be released on bail on such terms and conditions as deemed fit by the learned Court in seisin over the matter with a further condition that he shall appear before the learned trial Court on each date when the case is fixed for trial and shall not threaten or try to influence prosecution witnesses.

6. The CRLMC is accordingly disposed of.

7. Urgent certified copy of this order be granted on proper application.

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(SAVITRI RATHO)
JUDGE

Sukanta

