

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3711 of 2022

Jasoda Naik @ Josada and others

.... Petitioners
Mr. Arijit Mishra, Advocate

-Versus-

State of Odisha

.... Opposite Parties
Mr. T.K. Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
08.12.2022

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 28.02.2017, passed by the learned J.M.F.C., Thakurmunda in G.R. Case No.421 of 2007 arising out of Mahuldiha P.S. Case No.38 of 2007 for having issued non-bailable warrant of arrests against the petitioners on the grounds stated therein.
 3. Perused the copy of the FIR as at Annexure-1.
 4. It is submitted by the learned counsel for the petitioners that the petitioners were earlier on bail but they failed to turn up on the date fixed, whereafter, the order of NBWAs have 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 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 J.M.F.C., Thakurmunda on or before 28th December, 2022 in G.R. Case No.421 of 2007 arising out of Mahuldiha P.S. Case No.38 of 2007 and in the event they surrender, the court below shall release them on bail subject to conditions.

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

