

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**CRLMC No.2494 of 2021**

***Bhagaban Gonda***

....

***Petitioner***

*Mr. K.A. Guru, Adv.*

*Mr. P.K. Sahoo, Adv.*

-versus-

***State of Odisha***

....

***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 Mr. K.A. Guru, learned counsel appearing on behalf of Mr. P.K. Sahoo, learned counsel for the Petitioner and Mr. Karunakar Gaya, learned Additional Standing Counsel for the State.
3. The Petitioner, in this case, has assailed the order dated 20.11.2021 passed by the learned Additional Sessions Judge-cum- Special Judge, Jeypore in T.R. Case No.192 of 2017 issuing N.B.W. against him.
4. Learned counsel for the Petitioner submits that the Petitioner is on bail from 15.09.2017 without violating the bail condition. However, on 20.11.2021, he could not remain present in court because of COVID-19 pandemic thereby violating the condition stipulated in the bail order. He further submits that as the case number was inadvertently escaped from the diary of

the conducting counsel, no step was taken by him seeking time on behalf of the petitioner. Hence, the learned Additional Sessions Judge-cum- Special Judge, Jeypore issued N.B.W. against the petitioner. He further submits that the petitioner undertakes that he will cooperate till the end of the trial without fail.

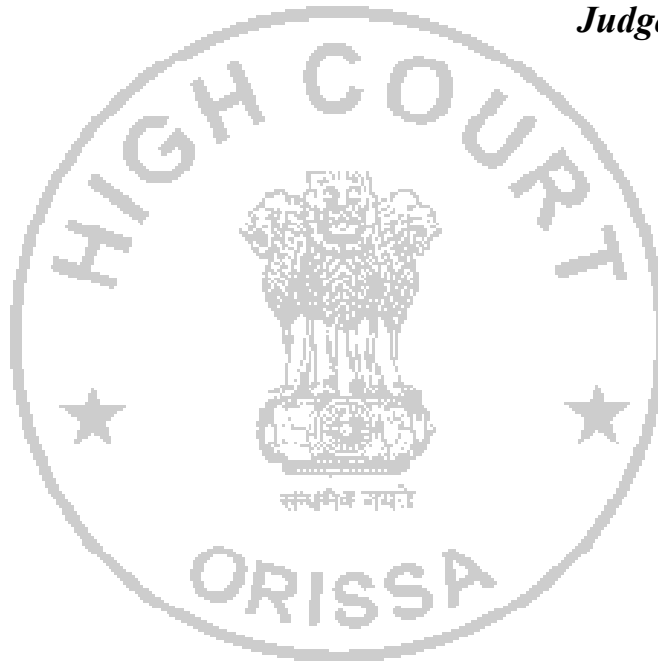
5. In view of such facts and submissions made by the learned counsel for the Petitioner, this Court is inclined to allow the CRLMC. Accordingly, the order dated 20.11.2021 passed by the learned Additional Sessions Judge-cum- Special Judge, Jeypore in the aforesaid case, so far it relates to issuance of N.B.W. against the petitioner- Bhagaban Gonda 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 25<sup>th</sup> March, 2020 and Court's Office Order dated 7<sup>th</sup> January, 2022.

**( S.K. Panigrahi )**  
**Judge**



*BJ*