IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3817 of 2022

Kartik Majhi @ Vima @ Bhima Majhi and Others .... **Petitioners**

Mr. Amulya Ratna Panda, Advocate

-Versus-

State of Odisha .... **Opposite Party**

Mr. Tapas Kumar Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
21.12.2022

Order No.

02. 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 20th January, 2017 passed in C.T. Case No.2079 of 2012 pending in the file of learned J.M.F.C.(R), Balasore for having issued the non-bailable warrants of arrest against the petitioners on the grounds stated therein.

3. Perused the impugned order dated 6th December, 2022 as at Annexure-1.

4. Learned counsel for the petitioners submits that the petitioners were on bail subsequently NBWA has been issued against him on 20th January, 2017 since they defaulted in appearance. It is further submitted that the petitioners did not appear on date fixed

by the learned court below nor their Advocate had taken any step, as a result of which, the impugned order was passed and considering the fact that they were on previous bail, the petitioners should be directed to surrender and allowed to go on bail with conditions.

5. The Court perused the order dated 20th January, 2017 but does not find any illegality being committed by the learned court below. In fact, the petitioners failed to turn up and on account of his default and since the defense counsel did not take any step on their behalf, the learned court below rightly issued the NBWAs against them. However, at this juncture, the Court is of the view that in the facts and circumstances of the case, the petitioners should be directed to surrender before the court below and released on bail with conditions which instead would serve the purpose.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioners to surrender before the court of learned J.M.F.C.(R), Balasore on or before 12th January, 2022 in C.T. Case No.2079 of 2012 and in the event of their surrender, the court below shall release them on bail subject to conditions.

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

(R.K. Pattanaik)
Judge

U.K.Sahoo