

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2648 of 2021

Krishna Prasad Jena

***.... Petitioner
Mr. S.K. Nayak, Advocate***

Versus

State of Odisha

***.... Opposite Party
Mr. S.S. Pradhan, A.G.A.***

**CORAM:
JUSTICE SAVITRI RATHO**

ORDER

06.01.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Heard Mr. S.K. Nayak, learned counsel for the petitioner and Mr. S.S. Pradhan, learned Addl. Govt. Advocate for the State.
3. In this application under Section 482 Cr.P.C., the order dated 09.08.2017 passed by the learned S.D.J.M.(S), Cuttack in G.R. Case No. 1720 of 2012 corresponding to Madhupatna P.S. Case No.96 of 2012, issuing N.B.W. of arrest against the petitioner has been challenged.
4. It appears from the averments taken in the CRLMC application that the petitioner was on bail but due to non-appearance on the date fixed for appearance of the other accused and failure to take steps, NBW was issued against him on 09.08.2017.
5. Learned counsel for the petitioner submits that non-appearance of the petitioner before the court below on the date fixed was neither deliberate nor intentional, but it was beyond control of the petitioner. He further submits that the petitioner is

ready and willing to cooperate with the learned trial court for early disposal of the trial if the impugned order is set aside.

6. In view of the nature of allegations and in order to secure the attendance of the accused-petitioner- Krishna Prasad Jena during trial, it is directed that subject to the petitioner depositing an amount of Rs.1500/- (Rupees One Thousand Five Hundred only) in the Welfare Fund of Orissa High Court Bar Association as cost and producing the receipt as proof of such deposit alongwith an application for bail, at the time of his surrender, before the learned court in seisin over the matter, he shall be released on bail by the said court on such terms and conditions as would be fixed by the said Court with a further condition that the petitioner shall appear before the learned trial Court on each date when the case is fixed for trial. The Petitioner shall surrender before the said court within three weeks from today.

7. With the aforesaid observation, the CRLMC is disposed of.

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

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(Savitri Ratho)
Judge

Sukanta