

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**CRLMC No.2859 of 2021**

***Tuku Behera***

....

***Petitioner***

*Mr. Pradipta Kumar Sahoo, Adv.*

-versus-

***State of Odisha***

....

***Opposite Party***

*Mr. Karunakar Gaya, ASC*

**CORAM:**

**JUSTICE S.K. PANIGRAHI**

**ORDER**

**20.01.2022**

**Order No.**

01.        1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The Petitioner, in this case, has challenged the order dated 09.12.2021 passed by the learned Additional District and Sessions Judge-cum- Special Judge, Kamakhyanagar in C.T. Special Case No.30 of 2020, arising out of Tumusiga P.S. Case No.137 of 2020 registered under Sections 294/ 506 of the I.P.C. read with Section 3(1) and 3(2) of the S.C. and S.T. (P.A.) Act, issuing N.B.W. against him.
4. Learned counsel for the Petitioner submits that during the course of investigation of the case, the Investigating Officer had issued notice under Section 41 of the Cr.P.C. and accordingly, the petitioner attended before the Investigating Officer and he was released on bail by the Investigating

Officer. However, on 09.12.2021, he could not remain present in court due to communication gap between him and his conducting counsel. Hence, the learned Additional District and Sessions Judge-cum- Special Judge, Kamakhyanagar 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 09.12.2021 passed by the learned Additional District and Sessions Judge-cum-Special Judge, Kamakhyanagar in the aforesaid case, so far it relates to issuance of N.B.W. against the petitioner- Tuku Behera 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 seven 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. No coercive action shall be taken against the petitioner till seven days from today.

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*

