

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2885 of 2021

Anand @ Kamal Lochan Mallick ***Petitioner***

Mr. Manoj Bihari Das, Adv.

-versus-

State of Odisha and Anr. ***Opposite Parties***

Mr. Karunakar Gaya, ASC
(for O.P. No.1)

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 counsel for the State.
3. The petitioner has filed this CRLMC assailing the order dated 01.12.2021 passed by the learned A.D.J. (FTSC), Cuttack in Spl. G.R. Case No.79 of 2019, arising out of Niali P.S. Case No.85 of 2019 registered for commission of offences under Sections 363/ 366/ 376(2)(n) of the I.P.C. read with Section 6 of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act, issuing N.B.W. against him.
4. Learned counsel for the Petitioner submits that the petitioner is on bail vide order dated 06.09.2019 passed by this Court in BLAPL No.5465 of 2019. He was regularly attending the court on each date of posting of the case. However, on 01.12.2021,

the petitioner could not remain present in court as he was suffering from acute dysentery. Hence, the learned A.D.J. (FTSC), Cuttack issued N.B.W. against him. He further submits that the petitioner undertake that he will cooperate till the end of the trial and appear before the court on each date of posting without fail, failing which, fresh N.B.W. shall be issued against him.

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 01.12.2021 passed by the learned A.D.J. (FTSC), Cuttack in the aforesaid case, so far it relates to issuance of N.B.W. against the petitioner, 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 Association Welfare Fund and copy of the receipt 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 25th March, 2020 and Court's Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge

BJ

