

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2891 of 2021

Manoj Nayak

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

Versus

State of Odisha

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

CORAM:
JUSTICE SAVITRI RATHO

ORDER
10.02.2022

Order No.

02. 1. This matter is taken up through hybrid mode.
2. Heard Mr. S.K. Mahanty, 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 31.08.2021 passed by the learned Addl. Sessions Judge, Khallikote in S.T. Case No. 137 of 2018 corresponding to Kodala P.S. Case No.186 of 2017, issuing N.B.W. of arrest against the petitioner has been challenged.
4. It appears that the petitioner has been released on bail on 22.05.2018 and on 31.08.2021 the petitioner was absent and the learned defence counsel had filed a petition under Section 317(1) Cr.P.C. to represent him and another petition praying for time. The learned Court below has rejected the application on the ground that the petitioner is not attending the Court since 15.11.2019 and rejected the time petition, issued the NBW of arrest against the petitioner and issued notice to the bailors.
5. Mr. Mahanty, learned counsel for the petitioner submits that on account of communication gap and as the trial has not started,

the petitioner was under the impression that his personal attendance was not necessary for which he has not appeared personally in Court. He further submits that the petitioner will personally appear on each date the case is taken up for hearing and cooperate for early disposal of the trial.

6. Although there is no illegality in the impugned order, in order to secure the presence of the petitioner during trial and considering the submissions of the learned counsel for the petitioner, it is directed that in the event the petitioner surrenders before the learned court below within a period of four weeks and moves an application for bail, he shall be released on bail on such terms and conditions as the learned court below may deem just and proper with the further condition that the petitioner shall appear personally before the learned trial court on each date when the case would be fixed for trial. Violation of any of the terms and conditions fixed shall entail in cancellation of bail.

7. The CRLMC stands accordingly disposed of.

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

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(Savitri Ratho)
Judge

Sukanta