

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2941 of 2021

Umakanta Rout

....

Petitioner

Mr. Bibhuti Ranjan Mohanty, Advocate

Versus

State of Odisha

....

Opposite Party

Mr. S.S. Pradhan, A.G.A.

CORAM:

JUSTICE SAVITRI RATHO

ORDER

11.01.2022

Order No.

01. Heard Mr. Bibhuti Ranjan Mohanty, learned counsel for the petitioner and Mr. S.S. Pradhan, learned Addl. Govt. Advocate for the State through virtual mode .

In this application under Section 482 Cr.P.C., the order dated 18.08.2018 passed by the learned A.C.J.M. (Spl.), Cuttack in G.R. Case No. 1963 of 2013 corresponding to Mangalabag P.S. Case No.263 of 2013, issuing N.B.W. of arrest against the petitioner has been challenged.

It appears from the averments taken in the CRLMC application that the petitioner was on bail but due to non-appearance on the date when the case was fixed for recording of accused statement, and failure to take steps, NBW was issued against him on 18.08.2018.

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 appear before with the learned trial court and

render all co-operation for early disposal of the trial , if the impugned order is set aside and he is granted bail .

Although , I find no illegality in the impugned order , in order to secure the attendance of the accused-petitioner- Umakanta Rout during trial, it is directed that subject to the petitioner depositing an amount of Rs.1000/- (Rupees One Thousand 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 before the learned court in seisin over the matter at the time of his surrender within a period of six weeks , 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.

With the aforesaid observation, the CRLMC is disposed of.

In view of the restrictions due to resurgence of COVID-19 , 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 concerned advocate, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020, modified by Notice No. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos. 514 and 515 dated 7th January, 2022.

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(Savitri Ratho)
Judge

puspa