

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2942 of 2021

1. Sudhakrushna Das & **Petitioners**
2. Raghunath Das @ Bapun .
Mr. Bibhuti Ranjan Mohanty, Advocate

Versus

State of Orissa **Opposite Party**
Mr. S.S. Pradhan, AGA

CORAM:
JUSTICE SAVITRI RATHO

ORDER
11.01.2022

Order No.

01. 1. Heard Bibhuti Ranjan Mohanty, learned counsel for the petitioners and Mr. S.S. Pradhan, learned Additional Government Advocate through virtual mode.
2. In this application under Section 482 Cr.P.C., the order dated 17.12.2021 passed by the learned Ad hoc Additional Sessions Judge (FTC), Balasore in S.T. No. 36/86 of 21/12 in connection with Baliapal P.S. Case No. 126 of 2011 issuing N.B.W. of arrest against the petitioners has been challenged.
4. It appears from a perusal of the record that the petitioners were on bail. But due to non-appearance on 17.12.2021, the date fixed for examination of the victim and the informant, they remained absent and no steps were taken on their behalf, for which

the case was split up against them and NBW of arrest was issued against them .

5. Mr. S.S. Pradhan, learned Additional Government Advocate vehemently opposed the prayer for grant of bail submitting that on account of nonappearance of the accused persons in the midst of trial , the trial had to be split up and witnesses have be examined again in the split up trial causing hardship to the witnesses and unnecessary cost for conducting another (split up) trial.

6. There is no illegality in the order issuing NBW of arrest so as to warrant any interference. With the sole intention of securing the attendance of the petitioners before the learned trial Court , so that the split up trial can commence, it is directed that if the petitioners surrender before the learned Ad hoc Additional Sessions Judge (FTC), Balasore in S.T. No. 36/86 of 21/12 within a period of four weeks from today and move for bail , the petitioners shall be released on bail to the satisfaction of the Court with such terms and conditions as would be fixed by the said Court including the imposition of cost in view of the necessity to split up the case on account of the absence of the petitioners on 17.12.2021.

Violation of any of the terms and conditions fixed shall entail cancellation of bail.

6. It is however open to the police to execute the NBW of arrest pending against the petitioners. Copy of this order be sent to the IIC , Baliapal Police Station .

7. The CRLMC is disposed of.

8. 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

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