

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 535 of 2021

Annapurna Panigrahi **Petitioner**

Mr. Rajendra Narayan Rout, Advocate

-versus-

State of Odisha **Opp. Party**

Mr. M. K. Mohanty, Additional Standing Counsel

CORAM:

JUSTICE S. K. PANIGRAHI

ORDER

Order No.

19.08.2021

- 03.** 1. This matter is taken up by virtual/physical mode.
2. Heard, learned counsel for the Petitioner and learned counsel for the State.
3. This application under Section 482 of CrPC has been filed by the Petitioner with a prayer to quash the order dated 10.06.2019 passed by the learned Assistant Sessions Judge-cum-Special Track Court, Balasore in ST Case No. 35/195 of 2015 issuing NBW(A) against the Petitioner.
4. It is stated that the Petitioner, who has been indicted in the aforesaid case, was on bail but, when he did not appear on the date fixed, NBW(A) has been issued against him.
5. It is further stated by the learned counsel for the Petitioner that the Petitioner could not appear before the learned court below on the date fixed and the learned court below issued NBW(A) against him.
6. Considering the facts and submissions made, I am not inclined to quash the impugned order. However, it

is open to the Petitioner to surrender before the court in seisin over the matter within two weeks hence and make a motion for bail, thus the court in seisin over the matter shall allow him to go on bail on such terms and conditions as deemed just and proper on receipt of deposit of cash security of ₹1000/- (Rupees One Thousand only) before the District Legal Service Authority, Balasore.

7. However, the aforesaid is subject to verification of the fact that the Petitioner was earlier released on bail for the self-same offences or any graver offence, but for his non-appearance, NBW(A) has been issued against him.

8. It is made clear that in spite of this order, if the Petitioner after his release on bail, again makes default in appearance, the cash security deposited shall be forfeited and the same amount shall be credited to the District Legal Service Authority's account and in the next coercive steps to be taken to secure his attendance.

9. With the aforesaid order, this CRLMC stands disposed of.

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

(S. K. Panigrahi)
Judge

AKP