

IN THE HIGH COURT OF ORISSA : CUTTACK
CORAM : HON'BLE SHRI JUSTICE S.PUJAHARI
CRLMC No.935 of 2020

Rajendra Pradhan	...	Petitioner
	-Versus-	
State	...	Opp. Party

ORDER

03. 31.03.2021

Learned counsel for the Petitioner files a memo in Court today along with a photocopy of the order dated 23.04.2010 passed by the learned Special Judge (Vigilance), Bhubaneswar in T.R. Case No.27 of 2009 showing that the Petitioner was earlier on bail. The same be kept on record.

Heard, the learned counsel for the petitioner and Mr. N. Moharana, learned Additional Standing Counsel appearing for the Vigilance Department.

This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order dated 31.10.2019 passed by the learned Additional Sessions Judge, Bhubaneswar in T.R. No.27 of 2009 wherein N.B.W.(A) has been issued against him.

It appears that the Petitioner, who has been indicted in the aforesaid case, was on bail, but when the case was posted on 31.10.2019, he did not appear before the Court below and no step was taken on his behalf on the date fixed, as such, N.B.W.(A) has been issued against him vide the aforesaid order to procure his

attendance. However, the Petitioner has come forward to challenge the same, but during course of hearing, it is submitted by the learned counsel for the Petitioner that since the Petitioner is now ready and willing to surrender before the trial Court and cooperate with the trial, the trial Court may be directed to release him on bail on any terms and conditions as it may deem just and proper.

Mr. N. Moharana, learned Additional Standing Counsel appearing for the Vigilance Department vehemently opposed to release the Petitioner on bail.

Considering the facts and submissions made, this Criminal Misc. Case is disposed of with an order that if the Petitioner surrenders before the Court in seisin over the matter and moves for bail, the Court in seisin over the matter shall allow him to go on bail on such terms and conditions including the condition that he shall cooperate with the trial and recall the N.B.W.(A) issued. But the said is not an impediment to execute the N.B.W.(A) issued against the Petitioner before his surrender.

It is made clear that in spite of this order, if the Petitioner after his release again makes default in appearance, in the next coercive steps to be taken to procure his attendance, this fact also be reflected by the trial court.

The parties may utilize the copy of this order as per the High Court's Notice No.4587 dated 25.03.2020.

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S.Pujahari, J.