



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.5198 of 2025

Nilakantha Badhei @ Budei

.....

Petitioner

Represented By Adv. -
Soumya Ranjan Das

-versus-

State Of Odisha

.....

Opp. Party

Represented By Adv. -
Sasmita Nayak, A.S.C.

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA

ORDER
09.12.2025

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned counsel for the State. Perused the application as well as the documents annexed thereto.
3. By filing the present application under Section 482 of the Cr.P.C the Petitioner seeks quashing of the order dated 16.09.2025 passed by the learned 1st Additional Sessions Judge, Rourkela in Special G.R Case No.28 of 2024 whereby an NBW has been issued against the present Petitioner.
4. Learned counsel for the Petitioner at the outset contended that the Petitioner has been implicated as an accused in Rourkela Jhirpani P.S Case No.31 of 2023 for alleged commission of offence punishable under Section 341, 294, 323, 427, 354, 506, 34



of IPC. He further contended that later on, the offence under Section 3 of the SC and ST Act has been added. Learned counsel for the Petitioner further contended that initially the Petitioner was given the benefit of Section 41-A of the Cr.P.C. Later on, an NBW has been issued vide order dated 16.09.2025. Hence, the Petitioner has approached this Court by filing the present application for quashing of the order dated 16.09.2025.

5. Learned counsel for the State on the other hand objected to the prayer made in the present application. He further submitted that the present application is devoid of merit and that since the Petitioner failed to appear before the learned trial court, the learned trial court has taken steps as per law to ensure that the Petitioner appears before the learned trial court.

6. Having regard to the submissions made by learned counsels appearing for the parties, on a careful examination of the background facts as well as the documents annexed to the application, further, this Court has also elaborately discussed the issue in the case of **Pramod Kumar Ray and others-vrs.-State of Odisha**, reported in (2017) 67 OCR 309. In the light of the principle laid down by this Court in **Pramod Kumar Ray** (supra), this Court deems it proper to dispose of the present application by granting liberty to the Petitioner to surrender before the learned 1st Additional Sessions Judge, Rourkela within three weeks. Seven days before the Petitioner surrenders before the said Court, he or his counsel shall serve a copy of the bail application or such number of copies of the bail application on the learned Public Prosecutor/Special Public Prosecutor, as required by him, for the purpose of notice to the victim or his/her counsel or dependent.



7. Further, it is directed that on advance intimation the case diary and other relevant materials be made available to the Court in seisin over the matter by the date of surrender. The learned Court in seisin over the matter is further directed to consider the case of the Petitioner in accordance with law and shall dispose of the bail application on the very same day within a period of four weeks strictly on the basis of the materials on record.

8. Till the date of surrender of the Petitioner as stipulated in this order, the Petitioner shall not be arrested in connection with the aforesaid case.

9. Accordingly, the CRLMC is disposed of.

Issue urgent certified copy of this order as per Rules.

(Aditya Kumar Mohapatra)
Judge

Anil