

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3204 of 2015

Ajay Kumar Behera

....

**Petitioner**

Md.G.Madani, Advocate

-Versus-

State of Odisha

....

**Opposite Parties**

Mr.S.N.Das,ASC

CORAM:  
MR. JUSTICE R.K. PATTANAİK

ORDER  
17.08.2022

Order No.

05.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. While limiting the prayer, learned counsel for the petitioner instead of pressing the matter on merit submits that the trial before the court below has not yet started and in so far as the petitioner is concerned, NBWA issued by the court is pending execution against him and therefore, he may be directed to surrender and released on bail as other accused persons have been granted bail in the meantime.
3. Perused the F.I.R. and connected documents. The petitioner and other accused persons have been charge sheeted for the alleged occurrence dated 22<sup>nd</sup> April, 2009 in connection with Dhamnagar P.S. Case No. 53 of 2009 registered under Sections 147/148/323/294/506/307 read with Section 149 IPC.

4. Having regard to the prayer of the learned counsel appearing for the petitioner and the fact that other accused persons are on bail, the Court is of the view that the petitioner against whom the NBW is still pending execution should at least be directed to surrender before the court below and released on bail subject to conditions so as to ensure the enquiry and trial expedited.

5. Accordingly, it is ordered.

6. The CRLMC stands dismissed. However, petitioner is directed to surrender before the court of learned JMFC, Dhamnagar in G.R. Case No. 622(A) of 2009 and in the event of his surrender, the learned court below shall do well to release him on bail subject to conditions.

7. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)  
Judge