

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1533 of 2022

Narendra Kumar Parida

....

Petitioner

Mr. Bikram Keshari Bal, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. Tapas Ku. Praharaj, S.C.

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

23.08.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. Instant petition under Section 482 Cr.P.C. has been filed by the petitioner for quashing of the order of NBW dated 4th May, 2016 passed by the learned District & Sessions Judge-cum-Special Judge, Kendrapara in G.R. Case No.878 of 2011 arising out of Patkura P.S. Case No.155 of 2011 on the grounds stated therein.
 3. Learned counsel for the petitioner submits that petitioner was on bail by order of the court below on 4th May, 2016 but then he defaulted in the appearance in the year 2016 whereafter the impugned order under Annexure-2 was passed by the court below and such default was on account of transfer of the case from one court to another and was not intentional and therefore, direction may be made to release him on bail.
 4. Learned counsel for the State fairly submits that the other co-accused persons have been released on bail after having

surrendered and therefore, the present case may be disposed of in the same terms. From Annexure-3, it is revealed that some of the accused persons have voluntarily surrendered before the court below and were released on bail. It is informed by the learned counsel for the petitioner that the case is a split up proceeding pending at the stage of supply of police papers.

5. Having regard to the submissions of learned counsel for the parties and taking into account the fact that petitioner was earlier on bail and other co-accused persons have been granted bail by the court below after they having surrendered, the Court is of the view that the petitioner may be directed to surrender and released on bail by applying parity.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned District & Sessions Judge-cum-Special Judge, Kendrapara in G.R. Case No.878 of 2011 arising out of Patkura P.S. Case No.155 of 2011 and in the event of surrender, he shall be released on bail subject to conditions with an undertaking that he shall not default in future.

(R.K. Pattanaik)
Judge