

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1581 of 2022

Milu Sahoo

....
Petitioner
Mr. P.R. Chhatoi, Advocate

-Versus-

State of Odisha

....
Opposite Party
Mr. S.S. Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
05.09.2022

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. is filed by the petitioner for quashing of the order of issuance of NBW dated 20th September, 2021 as at Annexure-2 in connection with S.T. Case No.45 of 2020 pending in the file of learned Sessions Judge, Cuttack on the grounds stated therein.
3. Perused Annexure-1 which is an order of this Court in ABLAPL No.8025 of 2019 whereby the petitioner was directed to be released on bail.
4. Learned counsel for the petitioner submits that before commitment of the case, the petitioner was released on bail by this Court's under Annexure-1 but thereafter, post commitment, at the stage of appearance before the Sessions Court on account of his default, NBW was issued on 6th April, 2022 and such default has not

been intentional, considering which appropriate order may be passed.

5. In fact, as per Annexure-1, the petitioner was allowed to be released on pre-arrest bail by this Court's order dated 9th December, 2019 in ABLAPL No.8025 of 2019 but thereafter defaulted in appearance on the date fixed, as a result of which, the learned court below issued NBW on 6th April, 2022 and according to the court the aforesaid order does not suffer from any legal infirmity and hence, calls for no interference.

6. However, having regard to the fact that the petitioner was on bail and on a single date, failed to appear before the court below, he should be directed to surrender before the court below and go on bail and accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender on or before 23rd September, 2022 before the learned Sessions Judge, Cuttack in S.T. Case No.45 of 2020 and in the event of his surrender, Court shall release him on bail with conditions as deemed just and proper in the facts and circumstances of the case.

(R.K. Pattanaik)
Judge