

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1607 of 2022

Bhagirathi Bishoi @ Bhagirathi Bisoyee Petitioner
Mr. Amulya Ratna Panda, Advocate

-Versus-

State of Orissa Opposite Party
Mr. Tapas Kumar Praharaj, S.C.

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
24.09.2022

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 challenging the order of NBWA dated 24th March, 2017 passed by the learned S.D.J.M., Phulbani in G.R. Case No.728 of 2016 on the grounds stated therein.
3. Perused the copy of the FIR as at Annexure-1 and the copy of impugned order which as at Annexure-2.
4. Learned counsel for the petitioner submits that the petitioner was on bail vide order dated 3rd May, 2017 passed in ABLAPL No.806 of 2017 but subsequently, NBWA has been issued against him on 24th March, 2017 since he defaulted in appearance and could not produce the bail order during and in course of investigation and then I.O. made a prayer for issuance of NBWA, whereupon, the impugned order was passed and considering the

fact that facts, the petitioner should be directed to surrender and allowed to go on bail with conditions.

5. The Court perused the order dated 24th March, 2017 but does not find any illegality being committed by the learned court below. In fact, the petitioner failed to turn up and on account of his default, the learned court below rightly issued the NBWA against him. However, at this juncture, the Court is of the view that in the facts and circumstances of the case, the petitioner should be directed to surrender before the court below and released on bail with conditions which instead would serve the purpose.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned S.D.J.M., Phulbani on or before 20th October, 2022 in G.R. Case No.728 of 2016 and in the event of his surrender, the court below shall release him on bail subject to conditions.

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

(R.K. Pattanaik)
Judge