

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1639 of 2022

A.Bimal Rao

....

Petitioner

Mr. J.Sahoo, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr.P.K.Rout,AGA

**CORAM:
MR. JUSTICE R.K. PATTANAİK**

**ORDER
26.08.2022**

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. The present petition is filed against the order of issuance of NBW/A vis-à-vis the petitioner in connection with S.T. Case No. 12 of 2020 arising out of B.Sadar P.S. Case No. 183 of 2011 pending before the learned court of Sessions Judge, Gamjam, Berhampur on the grounds stated therein.
 3. Perused the impugned order which is at Annexure-1.
 4. Learned counsel for the petitioner submits that the accused had been granted anticipatory bail but when the matter was posted to 5th May, 2022, he remained absent but such default was unintentional, however, the learned court below issued NBW/A against him and fixed to 28th June, 2022 for his production and

considering the fact that he was on previous bail, necessary orders may be passed.

5. Having gone through the impugned order of issuing NBW/A, the Court does not find any error or legal infirmity in the impugned order dated 5th May, 2022 therein, inasmuch as, the learned court below rightly passed the order since the petitioner defaulted himself on the date fixed. However, having regard to the above facts, the petitioner should be directed to surrender and released on bail subject to conditions imposed by the court below.

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 Sessions Judge, Gamjam, Berhampur in connection with S.T. Case No. 12 of 2020 arising out of B.Sadar P.S. Case No. 183 of 2011 and in the event of his surrender, the court shall release him on bail with conditions.

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

(R.K. Pattanaik)
Judge