

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1746 of 2022

Krushna Ch. Paramanik

....
Mr. S.N. Mishra, Advocate

Petitioner

-Versus-

State of Orissa

....
Mr. Priyabrata Tripathy, ASC

Opposite Party

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
12.09.2022

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. has been filed by the petitioner challenging the order of NBWA dated 6th April, 2022 passed by the learned A.C.J.M.-cum-A.S.J., Berhampur, Ganjam in S.T. Case No. 38 of 2019 arising out of G.R. Case No.949 of 2010 in connection with B. Town P.S. Case No.115(2) of 2010 on the grounds stated therein.
 3. Perused the impugned order dated 6th April, 2022 at Annexure- 1 and FIR which is at Annexure-2.
 4. Learned counsel for the petitioner submits that the petitioner was on court bail but subsequently, NBWA has been issued against him on 6th April, 2022 since he defaulted in appearance. It is further submitted that the petitioner could not know about the date fixed by the learned court below, as a result of

which, the impugned order was passed and considering the fact that he was on previous bail, the petitioner should be directed to surrender and allowed to go on bail with conditions.

5. The Court perused the order dated 6th April, 2022 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 and since the defense counsel did not take any step on his behalf, the learned court below rightly issued the NBWA against him. However, at this juncture, the Court is of the view that the petitioner in the facts and circumstances of the case 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 A.C.J.M.-cum-A.S.J., Berhampur, Ganjam on or before 28th September, 2022 in S.T. Case No. 38 of 2019 arising out of G.R. Case No.949 of 2010 in connection with B. Town P.S. Case No.115(2) of 2010 and in the event of his surrender, the learned 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