

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1859 of 2022

Swadhin Kumar Chyaupatnaik @ Bapi Petitioner
Mr.Nepoleon Sahani, Advocate

-Versus-

State of Odisha Opposite Party
Mr.Tapas Ku. Praharaj, S.C.

CORAM:
MR. JUSTICE R.K. PATTANAİK

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 2nd September, 2013 passed by the learned 3rd Additional Sessions Judge, Berhampur in S.T. Case No.87 of 2012 corresponding to G.R. Case No.1359 of 2010 in connection with GRP P.S. Case No.66 of 2010 on the grounds stated therein.
 3. Learned counsel for the petitioner submits that petitioner was on bail and on a single occasion, he did not appear in the year 2013, as a result of which, the court below passed the impugned order directing issuance of NBW against him. It is further submitted that the petitioner resides in a place which is more than 100 kms away and because of a communication lapse, he could not take steps on 2nd September, 2013, consequent upon of which, learned court below issued the order of NBW. Learned counsel for the petitioner submits that petitioner shall abide by any terms and

conditions as would be fixed by the court below in the event a direction is issued to surrender and release on bail.

4. Considering the fact that petitioner was on bail notwithstanding the fact that he defaulted in the year 2013 and he was long absent, this Court is of the view that he should be directed to surrender before the court below and go on bail with stringent conditions.

5. Accordingly, it is ordered.

6. The CRLMC stands disposed of with a direction to the petitioner to surrender before the learned 3rd Additional Sessions Judge, Berhampur in S.T. Case No.87 of 2012 corresponding to G.R. Case No.1359 of 2010 in connection with GRP P.S. Case No.66 of 2010 and in such an event, he shall be released on bail subject to strict conditions imposed by the court below and further filing an undertaking to the effect that violation of any of the terms and conditions shall amount to cancellation of bail forthwith.

(R.K. Pattanaik)
Judge

U.K.Sahoo