

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1897 of 2022

Pabitra Bhoi

.... **Petitioner**
Mr. S.K. Lenka, Advocate

-Versus-

State of Orissa

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

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
21.09.2022

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 NBW dated 6th May, 2022 passed by the learned Ad-hoc Additional Sessions Judge (FTSC), Bhubaneswar in TR Case No.219 of 2021 on the ground stated therein.
 3. Perused the copy of the impugned order dated 6th May, 2022 as at Annexure-2.
 4. Learned counsel for the petitioner submits that petitioner through his Advocate moved an application u/s.317 Cr.P.C. to represent the petitioner before the learned court below, but the said application was rejected by the learned court below and issued the order of NBW against the petitioner posting the matter to 30th May, 2022 for his production.

5. The petitioner was earlier on bail dated 19th August, 2021, but subsequently, NBW has been issued against him on 6th May, 2022 since he defaulted in appearance. Considering the fact that he was on previous bail, the petitioner should be directed to surrender and allowed to go on bail with conditions.

6. The Court perused the order dated 6th May, 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, the learned court below rightly issued the NBW 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.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned Ad-hoc Additional Sessions Judge (FTSC), Bhubaneswar on or before 30th September, 2022 in TR Case No.219 of 2021 and in the event of his surrender, the court below shall release him on bail subject to conditions.

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

(R.K. Pattanaik)
Judge