

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1910 of 2022

Ajit Pramanik @ Ajit Kumar Pramanik

Petitioner

Mr. P.C. Jena, Advocate

-Versus-

State of Odisha

.... Opposite Parties

Mr. S.S. Mohapatra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

25.08.2022

Order
No.

01. 1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Present petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the NBW issued by order dated 27th December, 2021 under Annexure-2 by the learned J.M.F.C., Jaleswar in connection with C.T. Case No.556 of 2009 arising out of Jaleswar P.S. Case No.277 of 2009 on the grounds stated therein.
3. Perused the FIR i.e. Annexure-1.
4. Learned counsel for the petitioner submits that the petitioner was on bail but then on 27th December, 2021 he failed to turn up as a result of which NBW was issued. It is further submitted that the proceeding is held up in view of the absconding of principal accused who is alleged of sexual assault and considering the above fact, the order should be recalled in the interest of justice.

5. The Court does not find any reason to interfere or recall the order under Annexure-2 since the learned court below rightly for the default of the petitioner issued NBW which is according to law. However having regard to the fact that the petitioner was on bail and recording the submission of the learned counsel for the petitioner that the default occurred during the pandemic Covid-19 and as such the conducting counsel had difficulty in informing the petitioner about the date fixed and since the NBW was issued under such circumstances, the Court is of the view that the petitioner should be directed to surrender and go on bail.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands allowed with a direction to the petitioner to surrender before the court of learned J.M.F.C., Jaleswar in connection with C.T. Case No.556 of 2009 on or before 15th September, 2022 and in the event of his surrender, the Court shall release him on bail with conditions as deemed just and proper in the facts and circumstances of the case.

(R.K. Pattanaik)
Judge