

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1922 of 2022

Dipu Nayak @ Naik

....

Petitioner

Mr. Bidyut Lata Mohanty, Advocate

-Versus-

State of Odisha

....

Opposite Parties

Mr.Tapas Kumar Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
22.08.2022

Order No.

- 01.
1. Heard learned counsel for the parties.
 2. Instant petition under Section 482 Cr.P.C. is filed for quashing of the impugned order dated 31st May, 2021 whereby the learned court below issued NBWA against the petitioner as well as other absconding accused persons on a prayer being made by the I.O. in that behalf.
 3. Instead of pressing the matter on merit, the learned counsel for the petitioner submits that two other accused persons have been granted bail in connection with G.R. Case No. 502 of 2021 by this Court's order dated 28th February, 2022 in CRLMC No. 315 of 2022 and therefore, under the above circumstances, the petitioner should be directed to be released on bail after he surrenders.

4. The learned counsel for the State submits that the charge sheet was filed against the other accused persons on the allegation of stealing batteries and some items at the ATM counter and thereafter, NBWAs were issued against the absconding accused persons and as such, the impugned order dated 31st May, 2021 does not suffer from any illegality, rather, the petitioner should surrender before the court below and move regular bail.

5. Having regard to the fact that the other accused persons have been granted bail by this Court in CRLMC No.315 of 2022, the Court is of the view that a similar direction should be made by maintaining parity. In other words, the petitioner against whom the execution of NBWA is pending should be allowed to surrender within a time specified and released on bail having regard to the fact that the investigation is over and charge sheet stands filed with other accused persons to be on bail.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender in connection with G.R. Case No. 502 of 2021 within seven days and in any case not later than 31st August, 2022 and in the event of his surrender, he shall be released on bail subject to conditions as fixed by the court below.

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

(R.K. Pattanaik)
Judge

kabita

