

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2018 of 2022

Baya Nayak

....
Mr. S.K. Mohanty, Advocate

Petitioner

-Versus-

State of Odisha

....
Mr. S.S. Mohapatra, ASC

Opposite Party

CORAM:
MR. JUSTICE R.K. PATTANAİK

Order
No.

ORDER
09.09.2022

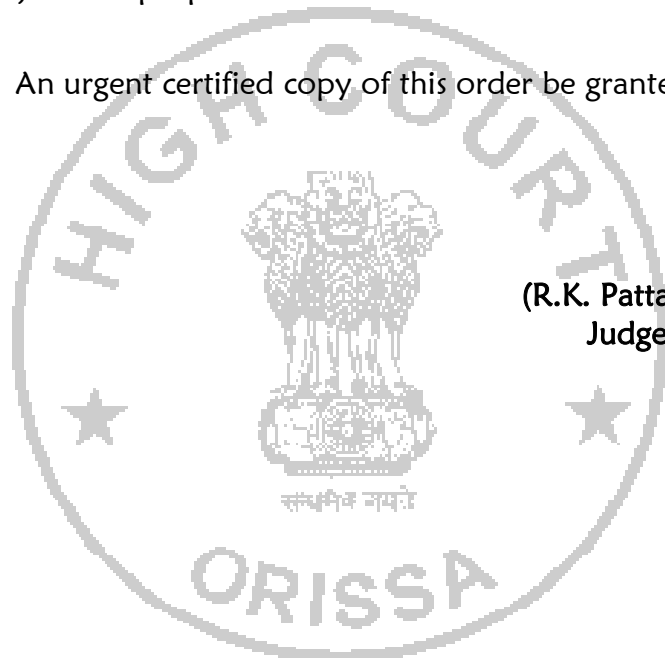
- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. Instant petition under Section 482 Cr.P.C. is filed assailing the impugned order under Annexure-1 whereby the learned court below issued NBW against the petitioner in connection with G.R. Case No.315 of 2015 arising out of Badagada P.S. Case No.145 of 2015 pending in the file of learned J.M.F.C., Surada on the grounds stated therein.
 3. Perused the impugned order dated 4th April, 2018.
 4. The learned counsel for the petitioner submits that the petitioner was on bail but only on a single date of default, the NBW was issued which is therefore to be recalled. But, the Court finds that on account of non-appearance of the petitioner on the date fixed, the warrant has been issued. Therefore, the Court does not find any error or illegality being committed by the learned court below in issuing NBW as the petitioner had defaulted. However, for

the fact that it is claimed to be a single default, the Court is of view that the petitioner should be directed to surrender and go on bail.

5. Accordingly, it is ordered.

6. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the J.M.F.C., Surada on or before 27th September, 2022 in G.R. Case No.315 of 2015 arising out of Badagada P.S. Case No.145 of 2015 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.

7. An urgent certified copy of this order be granted as per rules.



(R.K. Pattanaik)
Judge