

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2062 of 2022

Tuna Kumar Sahu

....

Petitioner

Mr. Suryakanta Dash, Advocate

-Versus-

State of Orissa and another

....

Opposite Parties

Mr. T.K. Praharaj, SC, OP No.1

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
09.09.2022

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. has been filed by the petitioner challenging the order of NBWA dated 23rd December, 2015 passed by the learned J.M.F.C., Khallikote in G.R. Case No.264 of 2010 (now S.T. No. 21 of 2016 of ASJ, Khallikote) arising out of Kodala P.S. Case No.133 of 2010 on the grounds stated therein.
 3. Perused the FIR at Annexure-1, copy of the charge-sheet at Annexure-2 and the impugned order which is at Annexure-4.
 4. Learned counsel for the petitioner submits that petitioner was on bail during investigation but after submission of charge-sheet, the order of NBW was issued against him. It is submitted that some of the co-accused persons have already been acquitted of all charges and under such circumstances, petitioner seeks indulgence of

this Court to allow him to surrender and go on bail which is objected to by learned counsel for the State.

5. Having gone through the impugned order under Annexure-4, this Court does not find any infirmity or illegality therein to interfere. However, Mr. Dash, learned counsel for the petitioner submits that since some of the co-accused persons have already been acquitted of all charges, the petitioner may be directed to surrender before the court below. Accordingly, it is ordered.

6. In the result, the CRLMC stands dismissed.

7. However, the petitioner is directed to surrender before learned J.M.F.C., Khallikote in G.R. Case No.264 of 2010 (now in S.T. No. 21 of 2016 of ASJ, Khallikote) arising out of Kodala P.S. Case No.133 of 2010 and in the event of his surrender, he shall be released on bail with conditions as would be deemed fit and proper.

8. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge