

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2123 of 2022

Basudeba Gouda @ Basu

....

Petitioner

Mr. Umakanta Barik, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. Tapas Ku. Praharaj, S.C.

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

23.08.2022

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 for quashing of the impugned order of NBW dated 27th June, 2022 passed by the learned Civil Judge-cum-J.M.F.C., Chandahandi in G.R. Case No.522 of 2017 arising out of Chandahandi P.S. Case No.83 of 2017 on the grounds stated therein.
 3. The Court perused the FIR as at Annexure-1.
 4. Learned counsel for the petitioner submits that petitioner was on bail by the court's order dated 7th July, 2017 but subsequently, he defaulted in appearance, as a result of which, learned J.M.F.C. Chandahandi passed the order of NBW against him and for his production on 11th July, 2022. It is further submitted that having regard to the fact that he was on bail, the petitioner

should at least be directed to surrender and go on bail subject to conditions.

5. Considering submissions made, this Court finds that no illegality has been committed by the learned court below so as to warrant interference. However, the Court is of the further view that if the petitioner surrenders before the learned court below, he should be allowed to go bail.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands dismissed. However, the petitioner is directed to surrender before the Civil Judge-cum-J.M.F.C., Chandahandi in G.R. Case No.522 of 2017 arising out of Chandahandi P.S. Case No.83 of 2017 on or before 8th September, 2022 and in the event of his surrender, he shall be released on bail subject to conditions as deemed fit and proper in the facts and circumstances of the case.

(R.K. Pattanaik)
Judge