

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2160 of 2022

Bharat Mallik @ Sarat

....

Petitioner

Mr. Arijeet Mishra, Advocate

-Versus-

State of Orissa

....

Opposite Party

Mr. Priyabrata Tripathy, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
12.09.2022

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 NBW dated 28th June, 2022 passed by the learned S.D.J.M., Kendrapara in G.R. Case No.1563-D of 1998 arising out of Patkura P.S. Case No.277 of 1998 on the grounds stated therein.
 3. Perused the copy of the FIR at Annexure-1 and copy of the impugned order dated 28th June, 2022 as at Annexure-2.
 4. Learned counsel for the petitioner submits that the petitioner was on court bail but subsequently, NBW has been issued against him on 28th June, 2022 since he defaulted in appearance. It is further submitted that the petitioner could not know about the date fixed by the learned court below, as a result of which, the impugned order was passed and considering the fact that he was on previous bail, the

petitioner should be directed to surrender and allowed to go on bail with conditions.

5. The Court perused the order dated 28th June, 2022 but does not find any illegality being committed by the learned court below. In fact, the petitioner failed to turn up and on account of his default and since the defense counsel did not take any step on his behalf, the learned court below rightly issued the NBW against him. However, at this juncture, the Court is of the view that in the facts and circumstances of the case, the petitioner should be directed to surrender before the court below and released on bail with conditions which instead would serve the purpose.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned S.D.J.M., Kendrapara on or before 28th September, 2022 in G.R. Case No.1563-D of 1998 arising out of Patkura P.S. Case no.277 of 1998 and in the event of his surrender, the court below shall release him on bail subject to conditions.

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

(R.K. Pattanaik)
Judge