

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2182 of 2022

Malaya Kumar Behera

....

**Petitioner**

Mr. Amulya Ratna Panda, Advocate

-Versus-

State of Orissa

....

**Opposite Party**

Mr. Tapas Kumar Praharaj, SC

**CORAM:**

**MR. JUSTICE R.K. PATTANAİK**

**ORDER**

**05.09.2022**

Order No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The instant petition under Section 482 Cr.P.C. has been filed by the petitioner praying for quashing of the order of NBW dated 2<sup>nd</sup> August, 2022 passed by the learned S.D.J.M., Balasore in C.T. Case No.1794 of 2017 on the grounds stated therein.
3. Perused the copies of the FIR as at Annexure-1 and the charge-sheet i.e. Annexure-2 and the impugned order (Annexure-3).
4. Learned counsel for the petitioner submits that the petitioner was on bail since 2017 but when the case was posted to 2<sup>nd</sup> August, 2022, he was found absent, as a result of which, the court below issued the non-bailable warrant of arrest against him and posted the matter to 14<sup>th</sup> September, 2022 for his production. Learned counsel for the petitioner submits that the absence was unintentional. However, the Court does not find any error having been committed by the court below so as to warrant any interference as the petitioner did not appear on the date fixed for which the impugned order was passed. However, the Court is of the

view that the petitioner should be allowed to surrender and go on bail subject to the terms and conditions fixed by the trial court. Accordingly, it is ordered.

5. The petitioner is directed to surrender before the court below on or before 21<sup>st</sup> September, 2022 in C.T. Case No.1794 of 2017 and move for bail and in such an event, he shall be released on bail with conditions as deemed fit and proper by the court below.

6. The CRLMC application stands disposed of.

**(R.K. Pattanaik)**  
**Judge**

U.K.Sahoo

