

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2254 of 2022

Ramesh Chandra Patra @ Bhata

....

Petitioner

Mr. Mahes Das, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. Pradip Kumar Rout, AGA

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

07.09.2022

Order No.

01.

1. Heard learned counsel for the petitioner and learned Additional Government Advocate for State.

2. Instant petition under Section 482 Cr.P.C. has been filed by the petitioner praying for quashing of the order of NBWA dated 4th October, 2021 passed by the learned J.M.F.C., Kotagarh in G.R. Case No.203(B) of 2008 arising out of Kotagarh P.S. Case No.28 of 2008 on the grounds stated therein.

3. Perused the copy of the FIR as at Annexure-1 and the impugned order dated 4th October, 2021 which is at Annexure-2.

4. Learned counsel for the petitioner submits that petitioner was on bail on 3rd April, 2018 but then when the case was posted to 4th October, 2021, he was found absent, as a result of which, the court below issued the non-bailable warrant of arrest against him in the split of case i.e. in G.R. Case No.203(B) of 2008 and posted the case to 22nd December, 2021 for his production. It is further

submitted that the absence of the petitioner was unintentional. However, the Court does not find any illegality or error having been committed by the court below so as to warrant any interference as the petitioner did not appear on the date fixed. But 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 court below, which would serve the purpose. Accordingly, it is ordered.

5. Consequently, the petitioner is directed to surrender before the court below on or before 26th September, 2022 in G.R. Case No.203(B) of 2008 arising out of Kotagarh P.S. Case No.28 of 2008 pending in the file of learned J.M.F.C., Kotagarh and in such an event, he shall be released on bail with conditions as deemed fit and proper.

6. The CRLMC stands disposed of.

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

(R.K. Pattanaik)
Judge

U.K. Sahoo