

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2261 of 2022

Manas Pratihari

....
Mr. P.C. Moharana, Advocate

Petitioner

-Versus-

State of Odisha and Another

....
Mr. T.K. Praharaj, SC, OP No.1
None for OP No.2

Opposite Parties

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
19.12.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State. None appears for opposite party No.2 at the time of call.
 2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner challenging the impugned order dated 27th September, 2013 passed by the learned J.M.F.C., Chandikhole in G.R. Case No.642 of 2013 whereby learned court below on the prayer of the I.O. issued NBWA against petitioner, as he was reported to be absconding by then.
 3. Learned counsel for the petitioner submits that the matter has been compromised between the petitioner and the victim girl and considering the aforesaid development, the impugned order under Annexure-3 should be interfered with and set aside in the interest of justice.

4. Mr. Praharaj, learned counsel for the State objects to the contention of the petitioner and justifies the order in Annexure-3 on the ground that the court below did not commit any error in issuing NBWA since the petitioner had absconded and due to such abscondance of the petitioner, on being reported by the I.O., the order of NBWA was passed.

5. The petitioner has been chargesheeted for other offences including Section 493 IPC under Annexure-3 series. The allegation as has been described in Annexure-1 is that the petitioner developed physically relationship with the victim later to which she became pregnant, whereafter, she approached the former for marriage, he did not agree to it which led to the lodging of the FIR, which is of the year 2014 and since then NBWA is pending execution against the petitioner. The Court though is not inclined to interfere with the impugned order under Annexure-3 series, it is of the view that the petitioner should be directed to surrender before the learned court below and released on bail subject to conditions as would be fixed by the learned court below.

6. Accordingly, it is ordered.

7. Consequently, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned J.M.F.C., Chandikhole on or before 6th January, 2023 in connection with G.R. Case No.642 of 2013 and in the event he surrenders, the court below shall release him on bail on such terms and conditions as would be deemed just and proper in the facts and circumstances of the case.

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

(R.K. Pattanaik)
Judge