

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2302 of 2022

Badrinarayan Bhujabal @ Tulu

.... **Petitioner**
Mr. A. S. Paul, Advocate

-Versus-

State of Odisha and another

.... **Opposite Parties**
Mr. P.K. Rout, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
08.09.2022

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. is filed by the petitioner for quashing of the issuance of NBW dated 13th September, 2012 directed by the learned S.D.J.M., Khurda on the grounds stated therein.
3. Perused the impugned order dated 13th September, 2012 i.e. Annexure-2.
4. Learned counsel for the petitioner submits that the petitioner had approached the Court in ABLAPL No.5454 of 2016 and pre-arrest bail was allowed but the same could not be availed of and thereafter, in the meantime charge sheet was filed in 2012 showing him as an absconder, whereupon, the learned S.D.J.M., Khurda passed the impugned order i.e. Annexure-2 issuing NBW against him and others.

5. Considering the above submission of the learned counsel for the petitioner that the petitioner could not avail the benefit of the order in ABLAPL No.5454 of 2016 and the fact that another accused has been granted bail by this Court in BLAPL No.259 of 2022 as is revealed from order dated 1st June, 2022 of the learned court below, the Court is of the view that although there is no ground to interfere with the impugned order which is absolutely justified and in accordance with law, the petitioner instead should be directed to surrender and go on bail.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned S.D.J.M., Khurda in G.R. Case No.265 of 2012 on or before 26th September, 2022 and in the event of his surrender, the court shall release him on bail with conditions as deemed just and proper in the facts and circumstances of the case.

(R.K. Pattanaik)
Judge