

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2323 of 2022

Mahanta Bag@ Bagha

.... Petitioner
Mr. S.K.Das, Advocate

-Versus-

State of Odisha

.... Opposite Party
Mr.P.K.Rout, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
22.09.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. The present petition is filed against the order of issuance of NBWA vis-à-vis the petitioner in connection with T.R.Case No. 38 of 2019 arising out of Nandapur P.S. Case No.11 of 2019 pending before the learned court of Additional District Judge-Cum-Special Judge (POCSO), Jeypore on the grounds stated therein.
 3. Perused the impugned order which is at Annexure-1.
 4. Learned counsel for the petitioner submits that the petitioner was on bail but subsequently, NBWA has been issued against him by order dated 28th July, 2022 as he defaulted in appearance but such default was unintentional. It is further submitted that due to non-appearance, 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 does not find any error or legal infirmity in the impugned order dated 28th July, 2022, inasmuch as, the learned court below rightly passed the order since the petitioner defaulted on the date fixed. However, in the facts and circumstances of the case, the petitioner should be directed to surrender and released on bail subject to conditions imposed by the court below.

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 court Additional District Judge-Cum-Special Judge (POCSO), Jeypore on or before 29th September, 2022 in connection with T.R. Case No. 38 of 2019 arising out of Nandapur P.S. Case No.11 of 2019 and in the event of his surrender, the court shall release him on bail with conditions.

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

(R.K. Pattanaik)
Judge