

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2334 of 2022

Subash Chandra Behera

....

Petitioner

Mr. Deepak Ku.Sahoo, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr.P.K.Rout, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
12.09.2022

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 G.R.Case No. 791 of 2005 arising out of Cuttack Sadar P.S. Case No.176 of 2005 pending before the learned court of J.M.F.C. (R), Cuttack 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 from the year 2005 but subsequently, NBWA has been issued against him by order dated 20th April, 2015 as he defaulted in appearance but such default was unintentional.

5. Learned counsel for the State submits that the petitioner defaulted long back and since he failed to appear before the court, on the date fixed, therefore, the impugned order under Annxure-I was rightly passed.

6. The Court perused the order dated 20th April, 2015 but does not find any illegality being committed by the learned court below. In fact, the petitioner failed to turn up for which the learned court below rightly issued the NBWA against him. However, at this juncture, the Court is of the view that the petitioner in the facts and circumstances of the case should be directed to surrender before the court below and released on bail with conditions.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned court of J.M.F.C.(R), Cuttack on or before 28th September, 2022 in connection with G.R. Case No. 791 of 2005 arising out of the Cuttack Sadar P.S. Case No.176 of 2005 and in the event of his surrender, the court shall release him on bail with conditions.

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

(R.K. Pattanaik)
Judge