

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2346 of 2022

Nirakar Haripal

....

Petitioner

Mr. Achut Pattanaik, Advocate

-Versus-

State of Orissa

....

Opposite Party
Mr.P.K. Rout, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
20.09.2022

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 challenging the order of NBWA dated 23rd April, 2022 passed by the learned Addl. Sessions Judge-cum-Special Judge, Sonepur in Special G.R. Case No.292 of 2014 on the grounds stated therein.
3. Perused the copy of the FIR at Annexure-6 and the copy of impugned order as at Annexure-2.
4. Learned counsel for the petitioner submits that the petitioner was on bail but subsequently, NBWA has been issued against him on 23rd April, 2022 since he defaulted in appearance and his Advocate filed an application u/s.317 Cr.P.C., which was rejected by the learned court below and 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 perused the order dated 23rd April, 2022 but does not find any illegality being committed by the learned court below. In fact, the petitioner failed to turn up and on account of his default, the learned court below rightly issued the NBW against him. However, at this juncture, the Court is of the view that in the facts and circumstances of the case, the petitioner should be directed to surrender before the court below and released on bail with conditions which instead would serve the purpose.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned Addl. Sessions Judge-cum-Special Judge, Sonepur on or before 30th September, 2022 in Special G.R. Case No.292 of 2014 and in the event of his surrender, the court below shall release him on bail subject to conditions.

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

(R.K. Pattanaik)
Judge