

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2351 of 2022

Banshi@ Banshi Dhar Patra

....

Petitioner

Mr. Amitav Tripathy, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr.S.S.Mohapatra, ASC

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 12th September, 2019 passed by the learned J.M.F.C., Bhopur in G.R. Case No.169 of 2010 arising out of Fategarh P.S. Case No.91 of 2010 on the grounds stated therein.
3. Perused the copy of the impugned order dated 12th September, 2019 at Annexure-1 and copy of the FIR as at Annexure-2.
4. Learned counsel for the petitioner submits that the petitioner was earlier on bail but subsequently, NBWA has been issued against him on 12th September, 2019 since he defaulted in appearance. It is further submitted that the petitioner could not know about the date fixed by the learned court below nor his

Advocate had taken any step, as a result of which, 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 12th September, 2019 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 and since the defense counsel did not take any step on his behalf, the learned court below rightly issued the NBWA 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 J.M.F.C., Bhapur on or before 30th September, 2022 in G.R. Case No.169 of 2010 arising out of Fategarh P.S. Case No.91 of 2010 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