

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2392 of 2022

Pintu @ Pinu Sahoo

....
Mr. Jyotirmaya Sahoo, Advocate

Petitioner

-Versus-

State of Odisha

....
Mr. Tapas Praharaj, SC

Opposite Party

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
14.10.2022

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 dated 15th April, 2022 passed by the learned Sr.C.J.-cum-Asst. Sessions Judge (Women's Court), Nayagarh in S.T. Case No.44/73 of 2021/2020 for having issued a non-bailable warrant of arrest against the petitioner on the grounds stated therein.
 3. Perused the copy of the impugned order dated 15th April, 2022.
 4. Learned counsel for the petitioner submits that the petitioner was earlier on bail on 18th September, 2015 but subsequently NBWA was issued against him on 15th April, 2022

since he defaulted in appearance. It is further submitted that the petitioner could not present on 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 15th 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 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 Sr.C.J.-cum-Asst. Sessions Judge (Women's Court), Nayagarh on or before 1st November, 2022 in S.T. Case No.44/73 of 2021/2020 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