

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2422 of 2022

Basudev Sahoo

.... **Petitioner**
Mr. P.K.Sahoo, Advocate

-Versus-

State of Odisha

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

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
13.09.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. The present petition is filed under Section 482 Cr.P.C. against the order of issuance of NBWA vis-à-vis the petitioner in connection with 2(c)C.C. Case No. 268 of 2007 pending before the court of learned S.D.J.M.(S), Cuttack on the grounds stated therein.
 3. Perused the impugned order which is at Annexure-2.
 4. Learned counsel for the petitioner submits that the petitioner was on bail from the year 2011 but subsequently, NBWA has been issued against him by order dated 4th April, 2018 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 4th April, 2018, 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 Court is of the view that 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 court of learned S.D.J.M., (S) Cuttack on or before 30th September, 2022 in connection with 2(C)C.C. Case No. 268 of 2007 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