

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2458 of 2022

Snehalata Mahanta

....

Petitioner

Mr. Dayanidhi Mishra, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S.K. Mishra, ASC

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. Instant petition under Section 482 Cr.P.C. has been filed by the petitioner challenging the order of NBW dated 25th July, 2022 passed by the learned Additional Sessions Judge, Champua in Special Case No.5 of 2018 in connection with Joda P.S. Case No.18 of 2018 on the grounds stated therein.
3. Perused the copy of the FIR at Annexure-1, copy of the charge-sheet at Annexure-2 and copy of the impugned order dated 25th July, 2022 as at Annexures- 4.
4. Learned counsel for the petitioner submits that the petitioner was on court bail on 28th March, 2018 but subsequently, NBW has been issued against her on 25th July, 2022 since she defaulted in appearance. It is further submitted that the petitioner could not know about the date fixed by the learned court below, as

a result of which, the impugned order was passed and considering the fact that she 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 25th July, 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 her default and since the defense counsel did not take any step on her behalf, the learned court below rightly issued the NBW against her. 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 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 Additional Sessions Judge, Champua on or before 30th September, 2022 in Special Case No.5 of 2018 in connection with Joda P.S. Case No.18 of 2018 and in the event of her surrender, the learned court below shall release her on bail subject to conditions.

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

(R.K. Pattanaik)
Judge