

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2514 of 2022

K. Suriya Rao @ Suri

....

Petitioner

Mr. Jyotirmaya Sahoo, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. P.K. Rout, AGA

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

24.09.2022

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 praying for quashing of the order of NBWA dated 9th May, 2022 passed by the learned 2nd Additional Sessions Judge-cum-Special Judge, Berhampur in G.R. Case No.15 of 2017 arising out of Berhampur Town P.S. Case No.202 of 2016 on the grounds stated therein.

3. Perused the copy of the impugned order dated 9th May, 2022 as at Annexure-1.

4. Learned counsel for the petitioner submits that the petitioner was earlier on bail but subsequently, NBWA has been issued against him on 9th May, 2022 since he defaulted in appearance. It is submitted that even though a petition under Section 317(1) of Cr.P.C. was filed on behalf of the petitioner to allow his presence to be dispensed with on that day but then the

court below rejected the said petition and issued the impugned order, however, considering the fact that he was on previous bail, the Court is of the view that the petitioner should be directed to surrender and allowed to go on bail with conditions.

5. The Court perused the order dated 9th May, 2022 but does not find any illegality being committed by the learned court below. 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 2nd Additional Sessions Judge-cum-Special Judge, Berhampur on or before 14th October, 2022 in G.R. Case No.15 of 2017 arising out of Berhampur Town P.S. Case No.202 of 2016 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