

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2525 of 2022

Kutuli Nayak @ Iswar

....

Petitioner

Mr. Sidhartha Sankar Ray 2, Advocate

-Versus-

State of Orissa

....

Opposite Party
Mr. P.K. Rout, AGA

CORAM:
MR. JUSTICE R.K. PATTANAIK

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 24th June, 2021 passed by the learned District & Sessions Judge, Berhampur in S.T. Case No.86 of 2008 arising out of G.R. Case No.312 of 2007 on the grounds stated therein.
 3. Perused the copy of the impugned order dated 24th June, 2021 as at Annexure-1.
 4. Learned counsel for the petitioner submits that the petitioner was on bail on 28th March, 2008 but subsequently, NBWA has been issued against him on 24th June, 2021 and admittedly neither his conducting counsel nor petitioner himself did take any step to remain present on the date of posting of the matter, as a result of which, the impugned order has been 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 24th June, 2021 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 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 District & Sessions Judge, Berhampur on or before 14th October, 2022 in S.T. Case No.86 of 2008 arising out of G.R. Case No.312 of 2007 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