

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2526 of 2022

Smt. Kamala @ Kamala Devi

.... Petitioner
Mr. S.S.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. Quashing of the order dated 16th August, 2022 passed by the learned 2nd Additional Sessions Judge, Bhubaneswar in C.T. Case No.37/438 of 2021/2020 arising out of T.R. Case No.37/438 of 2021/2020, whereby, learned court below passed the order of NBWA against the petitioner for her default.
 3. Perused the copy of the impugned order dated 16th August, 2022 as at Annexure-1.
 4. Learned counsel for the petitioner submits that the petitioner was on interim bail and could not surrender before the learned court below in time, as a result of which, the warrant arrest was issued against her and considering the fact that the petitioner was on previous bail, she should be directed to surrender and allowed to go on bail with conditions.

5. The Court perused the order dated 16th August, 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 learned court below rightly issued the NBWA against her. 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, Bhubaneswar on or before 14th October, 2022 in C.T. Case No.37/438 of 2021/2020 arising out of T.R. Case No.37/438 of 2021/2020 and in the event she surrenders, the 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