

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2531 of 2022

Prasant @ Prasanta Pradhan

....
Mr. Arun Kumar Das 1, Advocate

Petitioner

-Versus-

State of Orissa

....
Mr. Tapas Kumar Praharaj, SC

Opposite Party

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
13.10.2022

Order No.

- 02.
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 challenging the order dated 16th May, 2022 passed by the learned Sessions Judge, Dhenkanal in C.T. Sessions No.26 of 2019 arising out of G.R. Case No.77(A) of 2017 for having issued the non-bailable warrant of arrest against the petitioner on the grounds stated therein.
 3. Perused the impugned order dated 16th May, 2022 as at Annexure-1.
 4. Learned counsel for the petitioner submits that the petitioner was on bail vide order dated 6th April, 2017 passed in BLAPL No.90 of 2017 but subsequently NBWA has been issued

against him on 16th May, 2022 since he defaulted in appearance. It is further submitted that the petitioner did not appear on date fixed by the learned court below nor his Advocate had taken any step, as a result of which, 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 perused the order dated 16th May, 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 and since the defense counsel did not take any step on his behalf, the 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 Sessions Judge, Dhenkanal on or before 2nd November, 2022 in C.T. Sessions No.26 of 2019 arising out of G.R. Case No.77(A) of 2017 and in the event of his surrender, the court below shall release him on bail subject to conditions.

8. Issue urgent certified copy of this order on proper application.

(R.K. Pattanaik)
Judge