IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2583 of 2022

Prasanta Kumar Behera .... **Petitioner**

Mr. J. Khansama, Advocate

-Versus-

State of Odisha .... **Opposite Party**

Mr. S.S. Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER

Order No. | 21.09.2022

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 for quashing of the issuance of NBWA dated 13th May, 2022 directed by the court of learned S.D.J.M.(P), Rourkela on the grounds stated therein.

3. Perused the impugned order dated 13th May, 2022 as at Anexure-1.

4. Learned counsel for the petitioner submits that the petitioner was on bail but on the date fixed, he could not appear and no step was either taken on his behalf by the engaged counsel, for which, the court below issued NBWA against him fixing the case to 20.07.2022 for his production and considering the same, appropriate order may be passed.

5. Though the Court does not find any wrong or error being committed by the learned court below while issuing NBW on account of default of the petitioner but then having regard to the fact that he was on bail, it is of the view that in the facts and circumstances of the case, the petitioner should be allowed to surrender and go on bail with conditions.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned S.D.J.M.(P), Rourkela on or before 30th September, 2022 in G.R. Case No.1272 of 2007 and in the event of his surrender, the court shall release him on bail with conditions as deemed just and proper.

(R.K. Pattanaik)
Judge

Tudu