

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2588 of 2022

Debabrata Sahoo @ Mithun @
Debaprasad Sahoo

....

Petitioner

Mr. A. Mishra, Advocate

-Versus-

State of Odisha and Another

....

Opposite Parties

Mr. S.S. Mohapatra, ASC

**CORAM:
MR. JUSTICE R.K. PATTANAIK**

**ORDER
23.09.2022**

Order
No.
01.

1. Heard learned counsel for the petitioner and learned Additional Standing Counsel for 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 10th August, 2022 directed by the court of learned Additional Sessions Judge-cum-Special Judge under POCSO Act, Keonjhar on the grounds stated therein.
3. Perused the impugned order dated 10th August, 2022 as at Annexure-3.
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 05.09.2022 for his production and considering the same, appropriate order may be passed.

5. The Court does not find any wrong or error being committed by the learned court below while issuing NBWA 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 Additional Sessions Judge-cum-Special Judge under POCSO Act, Keonjhar on or before 14th October, 2022 in Special Case No.83 of 2019 arising out of Nayakote P.S. Case No.34 of 2019 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