

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2599 of 2022

Prasanta Pradhan

....

Petitioner

Mr. S.Parida, Advocate
Mr. N.C.Rout, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr.P.K.Rout, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
30.09.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. The present petition is filed against the order of issuance of NBWA vis-à-vis the petitioner in connection with S.T. Case No. 28/105 of 2017/2009 arising out of G.R. Case No. 41 of 2008 corresponding to Pipili P.S. Case No.37 of 2008 pending before the court of Assistant Sessions Judge, Pipili on the grounds stated therein.
 3. Perused the impugned order which is at Annexure-1.
 4. Learned counsel for the petitioner submits that the petitioner was earlier on bail vide order dated 10.04.2008 but due to communication gap with his counsel, subsequently, NBWA has been issued against him by order dated 21st October, 2022 as he defaulted in appearance but such default was unintentional. It is submitted that

due to non-appearance, 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 does not find any error or legal infirmity in the impugned order dated 21st October, 2022, inasmuch as, the learned court below rightly passed the order since the petitioner defaulted on the date fixed. However, in the facts and circumstances of the case, the petitioner should be directed to surrender and released on bail subject to conditions imposed by the court below.

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 court of Assistant Sessions Judge, Pipili on or before 21st October, 2022 in connection with S.T. Case No. 28/105 of 2017/2009 arising out of G.R. Case No. 41 of 2008 corresponding to Pipili P.S. Case No.37 of 2008 and in the event of his surrender, the court shall release him on bail with conditions.

8. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge