

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2611 of 2022

Sudipta Kishore Barick

....

Petitioner

Mr. Jayadeba Behera, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. Priyabrata Tripathy, ASC

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

27.09.2022

Order No.

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 challenging the order of issuance of NBWA dated 3rd March, 2016 passed by the learned S.D.J.M., Balangir in G.R. Case No.42 of 2016 on the grounds stated therein.
3. Perused the copy of the FIR as at Annexure-1 and copy of the impugned orders which are at Annexures-2 and 3 respectively.
4. Learned counsel for the petitioner submits that the petitioner was earlier on bail vide order of this Court dated 7th May, 2015 passed in ABLAPL No.4963 of 2015 but subsequently, NBWA has been issued against him on 3rd March, 2016 since he defaulted in appearance. It is further submitted that the petitioner could not know about the 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 3rd March, 2016 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 S.D.J.M., Balangir on or before 20th October, 2022 in G.R. Case No.42 of 2016 and in the event of his surrender, the court below shall release him on bail subject to conditions.

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

(R.K. Pattanaik)
Judge