

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2730 of 2022

Maheswar Mallick @ Mahia @ Manoj
Kumar Mallick

Petitioner

Mr.Samarendra Mohanty, Advocate

-Versus-

State of Odisha

.... Opposite Party
Mr. S.S.Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
29.09.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. The present petition is filed under Section 482 Cr.P.C. against the order of issuance of NBWA vis-à-vis the petitioner in connection with 2(a) C.C. Case No. 271 of 2015 arising out of P.R. No. 01/2015-16 pending before the court of learned S.D.J.M., Jagatsinghpur 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 on bail but subsequently, NBWA has been issued against him by order dated 17th August, 2016 as he defaulted in appearance but such default was unintentional. It is further 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 17th August, 2016, 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 Court is of the opinion that 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 court of learned S.D.J.M., Jagatsinghpur on or before 20th October, 2022 in connection with 2(a) C.C. Case No. 271 of 2015 arising out of P.R. No. 01/2015-16 and in the event of his surrender, the court below shall release him on bail with conditions.

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

(R.K. Pattanaik)
Judge