

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2753 of 2022

Prasanta Chaudhury @ Sahoo Petitioner
Mr. Bijaya Kumar Sahoo, Advocate

-Versus-

State of Orissa Opposite Party
Mr. S.K. Mishra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

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 6th July, 2022 passed by the learned Sessions Judge, Nayagarh in S.T. Case No.109 of 2021 arising out of G.R. Case No.98 of 2021 on the grounds stated therein.
3. Perused the certified copy of the impugned order which as at Annexure-1 series.
4. Learned counsel for the petitioner submits that the petitioner was earlier on bail but subsequently, NBWA has been issued against him on 6th July, 2022 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 but 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 6th July, 2022 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 Sessions Judge, Nayagarh on or before 20th October, 2022 in S.T. Case No.109 of 2021 arising out of G.R. Case No.98 of 2021 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