

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2784 of 2022

Tripurari Mahakud

.... Petitioner
Mr. S.K.Dwibedy, 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. Instant petition under Section 482 Cr.P.C. is filed assailing the impugned order i.e. Annexure-1 whereby the learned court below issued a NBWA against him in connection with S.T. Case No. 53 of 2016(T) pending before the court of learned Judge, STC, Boudh on the grounds stated therein.
3. Perused the impugned order which is at Anneuxre-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 18th January, 2020 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 18th January, 2020, 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 view 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 learned court of Judge, STC, Boudh on or before 21st October, 2022 in S.T. Case No. 53 of 2016(T) arising out of Manamunda P.S. Case No.211 of 2015 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

Kabita

