

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2876 of 2022

Lilima Pradhan @ Nilima Pradhan

....

Petitioner

Mr. Amulya Ratna Panda, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. T.K. Praharaj, SC

CORAM:  
MR. JUSTICE R.K. PATTANAIK

ORDER  
18.10.2022

Order No.

02.

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 dated 29<sup>th</sup> April, 2022 passed in C.T. Case No.214 of 2017 pending before the learned Chief Judicial Magistrate, Phulbani, Kandhamal on the grounds stated therein.
3. Perused the FIR at Annexure-1 and certified copy of the impugned order dated 29<sup>th</sup> April, 2022 as at Annexure-2.
4. Learned counsel for the petitioner submits that the petitioner was earlier on bail on 9<sup>th</sup> August, 2017 and thereafter NBWA was issued against him on 29<sup>th</sup> April, 2022 since she defaulted in appearance. It is further submitted that the petitioner could not appear on the date fixed nor her 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 29<sup>th</sup> April, 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 her default and since the defense counsel did not take any step on her 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 Chief Judicial Magistrate, Phulbani, Kandhamal on or before 4<sup>th</sup> November, 2022 in C.T. Case No.214 of 2017 and in the event she surrenders, the court below shall release her on bail subject to conditions.

8. Issue urgent certified copy of this order as per rules.

**(R.K. Pattanaik)**  
**Judge**