

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2901 of 2022

Sumanta Jena @ Sumanta Kumar Jena .... **Petitioner**  
Mr. Deepak Kumar Sahoo, Advocate

-Versus-

State of Odisha .... **Opposite Party**  
Mr.T.K. Praharaj, SC

CORAM:  
MR. JUSTICE R.K. PATTANAİK

**ORDER**  
**04.11.2022**

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 dated 27<sup>th</sup> May, 2022 passed by the learned J.M.F.C., Pattamundai, Kendrapara in G.R. Case No.3 of 2020 arising out of Pattamundai P.S. Case No.3 of 2020 for having issued non-bailable warrant of arrest against him on the grounds stated therein.
3. Perused the copy of the impugned order as at Annexure-1 and copy of the FIR at Annexure-2.
4. It is submitted that the petitioner was earlier on bail and later to the submission of chargesheet, he was forwarded to the court below and thereafter on account of his default, the impugned order

under Annexure-1 was passed though it is admitted that the order of bail is not on record but the impugned order shows that the petitioner was granted bail previously and considering the above fact, the petitioner should be directed to surrender and released on bail.

5. Considering the submissions of the learned counsel for the parties and having regard to the fact that petitioner did not turn up at the time of call, learned court below took coercive action against him and hence, the impugned order under Annexure-1 cannot be said to have suffered from any legal infirmity. However, at this juncture, in the facts and circumstances of the case, the Court is also of the view that the petitioner should be directed to surrender before the court below and released on bail with conditions.

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 J.M.F.C., Pattamundai, Kendrapara on or before 23<sup>rd</sup> November, 2022 in G.R. Case No.3 of 2020 arising out of Pattamundai P.S. Case No.3 of 2020 and in the event he surrenders, the court below shall release him on bail with conditions keeping in view the facts and circumstances of the case.

8. Issue urgent certified copy of this order on proper application.

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