

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2931 of 2022

Alekha Dalabehera @ Badal

....  
Mr. Amitav Tripathy, Advocate

**Petitioner**

-Versus-

State of Odisha

....  
Mr. Tapas Kumar Praharaj, SC

**Opposite Party**

CORAM:  
MR. JUSTICE R.K. PATTANAİK

**ORDER**  
**21.10.2022**

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 25<sup>th</sup> October, 2017 passed by the learned Additional Sessions Judge, Nayagargh in S.T. Case No.44/204 of 2015 arising out of Sarankul P.S. Case No.14 of 2013 for having issued a non-bailable warrant of arrest against the petitioner on the grounds stated therein.
3. Perused the FIR as at Annexure-1 and certified copy of the impugned order dated 08<sup>th</sup> February, 2013 i.e. at Annexure-2.
4. Learned counsel for the petitioner submits that the petitioner was earlier on bail and subsequently NBWA was issued against him on 8<sup>th</sup> March, 2013 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 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 16<sup>th</sup> March, 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 Addl. Sessions Judge, Nayagarh on or before 10<sup>th</sup> November, 2022 in S.T. Case No.44/204 of 2015 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**

Basudev