

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2950 of 2022

Subash Chandra Nayak @ Subash
Nayak

Petitioner

Mr. S.N.Mishra-4, Advocate

-Versus-

State of Odisha

.... Opposite Party

Mr. S.S. Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
14.11.2022

Order
No.

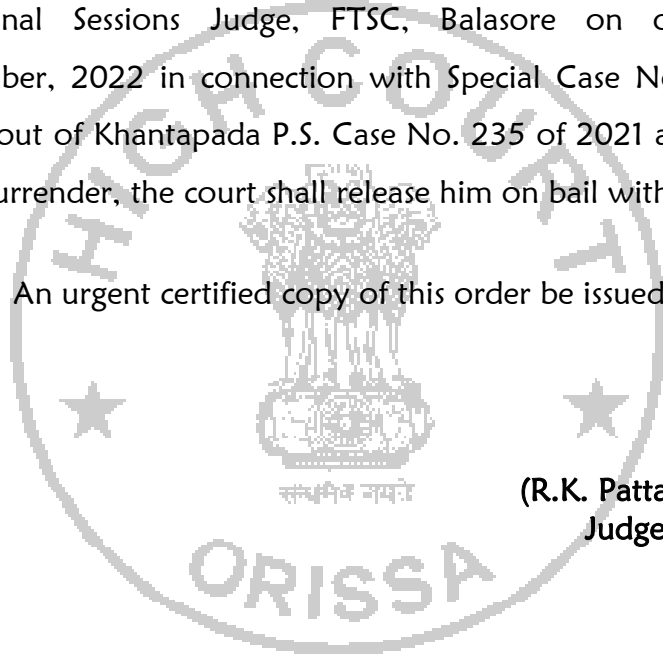
- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. The present petition is filed under Section 482 Cr.P.C. against the order of issuance of NBWA vis-à-vis the petitioner in connection with Special Case No. 207 of 2021 arising out of Khantapada P.S. Case No. 235 of 2021 pending before the court of learned Adhoc-Additional Sessions Judge, FTSC, Balasore on the grounds stated therein.
 3. Perused the impugned order which is at Annexure-2.
 4. Learned counsel for the petitioner submits that the petitioner was on bail by this Court in BLAPL No.9688 of 2021 order dated 11th March, 2022 but subsequently, NBWA has been issued against him by order dated 28th June, 2022 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 28th June, 2022, 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 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 court of learned Adhoc-Additional Sessions Judge, FTSC, Balasore on or before 30th November, 2022 in connection with Special Case No. 207 of 2021 arising out of Khantapada P.S. Case No. 235 of 2021 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