

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2990 of 2022

Musa Palei

Petitioner

Mr. L. Bhuyan, Advocate

-Versus-

State of Odisha

.... **Opposite Party**

Mr. S. S. Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
01.11.2022

Order
No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State opposite party.
2. The prayer in the present case is for quashing of the NBWA dated 20th April, 2013 issued by the learned by the learned S.D.J.M., Anandapur in G.R. Case No.507 of 2012 on the grounds stated therein.
3. Learned counsel for the petitioner submits that NBWA is pending execution since 2013 and considering the nature of allegation, the petitioner should be directed to surrender and allowed to go on bail subject to any condition.
4. Mr. Mohapatra, learned counsel for the State however objects for such a relief vis-à-vis the petitioner on the ground that the impugned order is of the year 2013.
5. The Court perused the FIR as at Anenxure1.

6. It is informed to the Court that the petitioner against whom NBWA has been issued by the learned court below was on the prayer of the IO during the stage of investigation and thereafter, the chargesheet was filed, whereupon, cognizance of offences under Sections 379, 411 read with 34 IPC was taken under Annexure-2. Notwithstanding the default of the petitioner for quite long and pending execution of NBWA since 2013, the Court is of the view that the petitioner should be directed to surrender before the learned court below and allowed to go on bail having regard to the nature of allegations against him as revealed from Annexure-1.

7. Accordingly, it is ordered.

8. In the result, CRLMC stands disposed of with a direction to the petitioner to surrender before the learned S.D.J.M., Anandapur in connection with G.R. Case No.507 of 2012 on or before 18th November, 2022 and in the event of his surrender, the court shall release him on bail subject to such terms and conditions with an additional condition that he shall remain physically present on each and every date of posting of the case till the trial is concluded.

9. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

TUDU