

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3008 of 2022

Bijay Dash @ Bijay Kumar Dash

....  
Mr. A.R. Panda, Advocate

**Petitioner**

-Versus-

State of Odisha

....  
Mr. S.S. Mohapatra, ASC

**Opposite Party**

**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.
2. Present challenge is as to the issuance of NBWA dated 19<sup>th</sup> August, 2016 issued by the learned J.M.F.C.(R), Balasore in connection with C.T. No.728 of 2014 on the grounds stated therein.
3. Learned counsel for the petitioner submits that the amount of loan was barrowed by the petitioner's wife which could not be paid back as result of which the concerned SSG lodged the report before the local P.S, consequent upon which, Khandapada P.S. Case No.116 dated 27<sup>th</sup> March, 2014 was registered under Sections 406 and 420 IPC and it is submitted that the petitioner should be directed to surrender before the learned court below and allowed to go on bail on any terms and conditions as would be fixed by the court. Mr. Mohapatra, learned ASC for the State on the other hand submits that the petitioner is absconding since 2016 as he has been

shown to be an absconder in the chargesheet, a copy of which is at Annexure-2.

4. The Court perused the FIR i.e. Annexure-1 and Annexure-2 and finds that the petitioner had in fact borrowed money from the SSG and failed to pay back. Learned counsel for the petitioner submits that the petitioner does not have any criminal antecedent except the present case and he is ready to surrender before the learned court below and face the enquiry and trial. No doubt, the warrant of arrest was issued in 2016 after submission of chargesheet and taking cognizance of the offences under Section 406 and 420 IPC. However, having regard to the fact that the enquiry and trial is long awaited on account of non-execution of NBWA pending since 2016, 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 subject to conditions.

5. Accordingly, it is ordered.

6. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned J.M.F.C.(R), Balasore on or before 18<sup>th</sup> November, 2022 in connection with C.T. No.728 of 2014 and in the event of his surrender, the court shall release him on bail with conditions as deem just and proper.

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

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

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