

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3059 of 2022

Ajay Behera @ Tutu

.... Petitioner
Mr. S. K. Jena, 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 Standing Counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the issuance of NBWA dated 16th September, 2022 directed by the court of learned S.D.J.M., Jajpur on the grounds stated therein.
3. Perused the impugned order dated 16th September, 2022 as at Annexure-3.
4. Learned counsel for the petitioner submits that the petitioner was on bail but on the date fixed, he could not appear and no step was either taken on his behalf by the engaged counsel, for which, the court below issued NBWA against him fixing the case to 18.01.2023 for his production and considering the same, appropriate order may be passed.

5. Though the Court does not find any wrong or error being committed by the learned court below while issuing NBWA on account of default of the petitioner but then having regard to the fact that he was on bail, it is of the view that in the facts and circumstances of the case, the petitioner should be allowed to surrender and go 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 S.D.J.M., Jajpur on or before 23rd November, 2022 in G.R. Case No.250 of 2016 arising out of Jajpur P.S. Case No.75 of 2016 and in the event of his surrender, the court shall release him on bail with conditions as deemed just and proper.

8. An urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge