

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3109 of 2022

Rajesh Kumar

....
Mr. Sabyasachi Mishra, Advocate

Petitioner

-Versus-

State of Odisha

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

Opposite Party

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
23.12.2022

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 28th June, 2022 passed by the learned Additional Sessions Judge, Jeypore, Koraput in T.R. No.90 of 2019 arising out of Jeypore P.S. Case No.244 of 2019 on the grounds stated therein.
3. Perused the copy of the FIR as at Annexure-1.
4. It is submitted by the learned counsel for the petitioner that the petitioner was earlier on bail but he failed to turn up on the date fixed, whereafter, the order of NBWA has been issued.
5. Considering the submissions of the learned counsel for the parties and having regard to the fact that petitioner did not turn up at the time of call, learned court below took coercive action against him

and hence, the impugned order under Annexure-3 cannot be said to have suffered from any legal infirmity. However, at this juncture, in the facts and circumstances of the case, the Court is also of the view that the petitioner should be directed to surrender before the court below and released 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 Additional Sessions Judge, Jeypore, Koraput on or before 16th January, 2023 in T.R. No.90 of 2019 arising out of Jeypore P.S. Case No.244 of 2019 and in the event he surrenders within the time stipulated, the court below shall release him on bail with conditions as deem just and proper.

8. Issue urgent certified copy of this order on proper application.

(R.K. Pattanaik)
Judge

U.K.Sahoo

