

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3138 of 2022

Manas Ranjan Naik

....

Petitioner

Mr. Rajesh Kumar Mahapatra, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S.S. Mohapatra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

04.11.2022

Order No.

- 01.
1. Though the matter was not in today's list, on being mentioned, the same is taken up by way of special notice.
 2. Heard learned counsel for the petitioner and learned counsel for the State.
 3. Instant petition under Section 482 Cr.P.C. is filed by the petitioner challenging the order dated 23rd November, 2022 passed by the learned Additional District Judge-cum-Special Court under POCSO Act, Angul in Special (POCSO) No.23 of 2020 arising out of Thakurgarh P.S. Case No.33 of 2020 on the grounds stated therein.
 4. Perused the copies of the impugned orders as at Annexures-1 & 2 and copy of the FIR at Annexure-3 series.
 5. Learned counsel for the petitioner submits that petitioner was on bail by the order of the court below dated 5th May, 2020 and on account of his default, the impugned order of NBWA dated

23rd September, 2022 was passed. Since the default of the petitioner was not intentional, as claimed by the petitioner, learned counsel appearing for him prays that a direction may be issued to the court below to release him on bail subject to conditions.

6. 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-2 does not suffer 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.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned Additional District Judge-cum-Special Court under POCSO Act, Angul on or before 23rd November, 2022 in Special (POCSO) No.23 of 2020 arising out of Thakurgarh P.S. Case No.33 of 2020 and in the event he surrenders, the court below shall release him on bail with conditions as deem fit and proper in the facts and circumstances of the case.

9. Issue urgent certified copy of this order in course of the day.

(R.K. Pattanaik)
Judge