

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3140 of 2022

Akshaya Jaypuria

.... **Petitioner**
Mr. Arun Ku.Das, Advocate

-Versus-

State of Odisha

.... **Opposite Party**
Mr. S.S.Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
30.11.2022

Order No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The present challenge is to the issuance of NBWA by an order dated 27th July, 2022 passed in G.R. Case No.674 of 2021 corresponding to Gobindpur P.S. Case No. 0180 of 2021 by the learned Additional Sessions Judge, Kuchinda on the grounds stated therein.
3. Perused the impugned order which is at Anneuxre-1.
4. Learned counsel for the petitioner submits that the petitioner was on bail but subsequently, NBWA has been issued against him by order dated 27th July, 2022 as he defaulted in appearance but such default was unintentional. It is further submitted that due to non-appearance, the impugned order was passed and considering the fact

that he was on previous bail, the petitioner should be directed to surrender and allowed to go on bail with conditions.

5. The Court does not find any error or legal infirmity in the impugned order dated 27th July, 2022, inasmuch as, the learned court below rightly passed the order since the petitioner defaulted on the date fixed, however, in the facts and circumstances of the case, is of the view that the petitioner should be directed to surrender and released on bail subject to conditions imposed by the court below.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned Additional Sessions Judge, Kuchinda on or before 30th December, 2022 in connection with G.R. Case No.674 of 2021 arising out of Gobindpur P.S. Case No. 0180 of 2021 and in the event he surrenders, the court below shall release him on bail with conditions.

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

(R.K. Pattanaik)
Judge