

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3303 of 2022

Sk. Afzal

....
Petitioner
Mr. Bitas Kumar Swain, Advocate

-Versus-

State of Orissa

....
Opposite Party
Mr. Sitikanta Mishra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
18.11.2022

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 22nd August, 2022 passed by the learned S.D.J.M.(S), Cuttack in G.R. Case No.317 of 2021 arising out of Lalbag P.S. Case No.76 of 2021 for having issued non-bailable warrant of arrest against him on the grounds stated therein.
 3. Perused the copy of the order as at Annexure-1.
 4. It is submitted by learned counsel for the petitioner that petitioner was earlier on bail vide order dated 30th June, 2021 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-1 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 S.D.J.M.(S), Cuttack on or before 9th December, 2022 in G.R. Case No.317 of 2021 arising out of Lalbag P.S. Case No.76 of 2021 and in the event he surrenders, the court below shall release him on bail with conditions keeping in view the facts and circumstances of the case.

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

(R.K. Pattanaik)
Judge

U.K.Sahoo

