

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3309 of 2022

Nagu @ Samarendra Samal

....
Petitioner
Mr. Asish Kumar Ray, Advocate

-Versus-

State of Odisha

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

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
28.11.2022

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 of NBWA dated 16th September, 2022 passed by the learned S.D.J.M., Jajpur in 1.C.C. No.400 of 2016 on the grounds stated therein.
 3. It is submitted by learned counsel for the petitioner that petitioner was earlier on bail but he failed to turn up on the date fixed by the court below, whereafter, NBWA has been issued.
 4. 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.

5. Accordingly, it is ordered.

6. 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 16th December, 2022 in 1.C.C. No.400 of 2016 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.

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

(R.K. Pattanaik)
Judge

U.K.Sahoo

