

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3322 of 2022

Mangali Patra

.... Petitioner
Sk. Zafarulla, Advocate

-Versus-

State of Odisha

.... Opposite Party
Mr. T.K. Praharaj, S.C.

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
16.11.2022

Order No.

01. 1. Heard learned counsel for the petitioner and learned Standing Counsel for the State.
2. Learned counsel for the petitioner submits that petitioner was on interim bail in connection with an offence under Section 52(a) of Odisha Excise Act by order of the learned J.M.F.C., Barbil in 2(a)C.C. Case No.127 of 2022 but subsequently defaulted in appearance, as a result of which, the impugned order of NBWA was issued which is currently pending execution. It is submitted that on the recommendation of the District Legal Service Authority (DLSA), Keonjhar, the petitioner was granted interim bail but under the circumstances narrated, she could not turn up after expiry of the period of interim bail, consequent upon which, the learned court below took coercive action and issued the NBWA and under the above circumstances, Mr. Zafarulla, learned counsel for the petitioner submits that the plea of bail may be considered.

3. Mr. Praharaj, learned Standing Counsel for the State submits that no leniency should be shown to the petitioner since she defaulted in complying the order of the court below, moreover, involved in an offence under Section 52(a) of Orissa Excise Act.

4. Considering the fact that petitioner was earlier on interim bail and of course, she violated the conditions of bail and did not turn up after expiry of the period of interim bail, the Court is of the view that there is no error committed by the learned court below in issuing NBWA against her. However, considering the fact that petitioner is a woman and was on interim bail, the Court directs the petitioner to surrender before the court below and apply for bail, which shall be considered by the court below in accordance with law.

5. Accordingly, it is ordered.

6. Consequently, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned J.M.F.C., Barbil on or before 29th November, 2022 in connection with 2(a) C.C. Case No.127 of 2022 arising out of P.R. No.73 of 2022-23 and in that event and applies for bail, the learned court below shall consider the same on merit taking into account the proviso of Section 437(1) Cr.P.C.

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

(R.K. Pattanaik)
Judge