

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3360 of 2022

Bhima @ Niranjana Biswal

....
Mr. Ajaya Kumar Rout, Advocate

Petitioner

-Versus-

State of Orissa

....
Mr. Sitikanta Mishra, ASC

Opposite Party

CORAM:
MR. JUSTICE R.K. PATTANAIK

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 21st June, 2022 passed by the learned J.M.F.C.(R), Balasore in C.T. Case No.1254 of 2009 arising out of Balasore Sadar P.S. Case No.146 of 2009 for having issued non-bailable warrant of arrest against him on the grounds stated therein.
3. Perused the copy of the FIR at Annexure-1 and certified copy of the impugned order as at Annexure-2.
4. 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, 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-2 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 J.M.F.C.(R), Balasore on or before 9th December, 2022 in C.T. Case No.1254 of 2009 arising out of Balasore Sadar P.S. Case No.146 of 2009 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