

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3417 of 2022

Kishore Chandra Behera

....

Petitioner

Mr. P.K.Mishra, Advocate & Associates

-Versus-

State of Odisha

....

Opposite Party

Mr. S.S.Mohapatra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

05.12.2022

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 19th September, 2022 passed in I.C.C. Case No. 137 of 2017 arising out of C.T. Case No. 192 of 2017 by the learned JMFC(R), Cuttack 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 anticipatory bail by this Court but subsequently, NBWA has been issued against him by order dated 19th September, 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

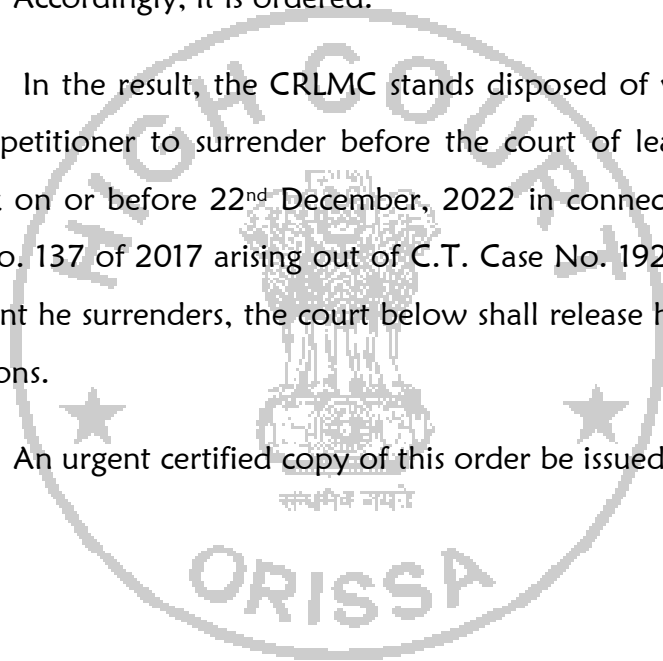
petitioner should be directed to surrender and allowed to go on bail with conditions.

5. The Court does not find any error or legal infirmity in the impugned order dated 19th September, 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 JMFC(R), Cuttack on or before 22nd December, 2022 in connection with I.C.C. Case No. 137 of 2017 arising out of C.T. Case No. 192 of 2017 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