

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3589 of 2022

Jamsed Saha @ Jama

.... **Petitioner**
Mr. S.C.Mekap, Advocate

-Versus-

State of Odisha

.... **Opposite Party**
Mr. S.S.Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
30.11.2022

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 3rd June, 2022 passed in G.R. Case No.91 of 2019 arising out of Nirakarpur P.S. Case No. 21 of 2019 by the learned N.G.N.-cum-JMFC, Tangi on the grounds stated therein.
3. Perused the impugned order which is at Anneuxre-2.
4. Learned counsel for the petitioner submits that the petitioner was on bail by the learned court below but subsequently, NBWA has been issued against him by order dated 3rd June, 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 3rd June, 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 N.G.N.-cum-JMFC, Tangi on or before 28th December, 2022 in connection with G.R. Case No.91 of 2019 arising out of Nirakarpur P.S. Case No. 21 of 2019 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