

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3653 of 2022

Jagdish Chandra Naik

....

Petitioner

Mr. Rajiv Kumar Mahanta, Advocate

-Versus-

State of Orissa

....

Opposite Party

Mr. S.S. Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
01.12.2022

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 13th October, 2022 passed by the learned J.M.F.C., Champua in G.R. Case No.16 of 2015 arising out of Baria P.S. Case No.05 of 2015 for having issued non-bailable warrant of arrest against the petitioner on the grounds stated therein.
3. Perused the copy of the impugned order as at Annexure-1 and copy of the FIR at Annexure-2.
4. It is submitted by the learned counsel for the petitioner that the 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-1 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., Champua on or before 28th December, 2022 in G.R. Case No.16 of 2015 arising out of Baria P.S. Case No.05 of 2015 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