

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3695 of 2022

Rubi @ Puspanjali Baral @ Swain Petitioner
Mr. Pradeep Kumar Parida, Advocate

-Versus-

State of Odisha Opposite Party
Mr. Sitikanta Mishra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
07.12.2022

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 20th October, 2022 passed by the learned Sessions Judge, Dhenkanal in C.T.(Sessions) Case No.185 of 2022 arising out of G.R. Case No.422 of 2016 in connection with Nihalprasad P.S. Case No.45 of 2016 for having issued a non-bailable warrant of arrest against her on the grounds stated therein.
3. Perused a copy of the impugned order at Annexure-1 and the FIR as at Annexure-2.
4. It is submitted by the learned counsel for the petitioner that the petitioner was earlier on bail but she failed to turn up on the date fixed, whereafter, the order of NBWA has been passed.

5. Considering the submissions of the learned counsel for the parties and having regard to the fact that petitioner did not turn up and defaulted in appearance as a result of which the learned court below took coercive action against her, 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 Sessions Judge, Dhenkanal on or before 22.12.2022 in C.T.(Sessions) Case No.185 of 2022 arising out of G.R. Case No.422 of 2016 in connection with Nihalprasad P.S. Case No.45 of 2016 and in the event she surrenders, the court below shall release her on bail subject to conditions.

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

(R.K. Pattanaik)
Judge