

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3752 of 2022

Susanta Amat

....
Mr. S.R. Mohapatra, Advocate

Petitioner

-Versus-

State of Orissa

....
Mr. T.K. Praharaj, SC

Opposite Party

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
12.12.2022

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 26th August, 2022 passed by the learned District & Sessions Judge, Boudh in S.T. No.94 of 2015 arising out of C.T. Case No.355(A) of 1997 corresponding to Boudh P.S. Case No.129 of 1997 for having issued non-bailable warrant of arrest against the petitioner on the grounds stated therein.
 3. Perused the copy of the FIR as at Annexure-1 and copy of the impugned order i.e. 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 since the petitioner did not turn up at the time of call, learned court below rightly 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 District & Sessions Judge, Boudh on or before 23rd December, 2022 in S.T. No.94 of 2015 arising out of C.T. Case No.355(A) of 1997 corresponding to Boudh P.S. Case No.129 of 1997 and in the event he surrenders, the court below shall release him on bail with conditions as deem fit and proper in the facts and circumstances of the case.

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

(R.K. Pattanaik)
Judge