

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3809 of 2022

Arun Kumar Barik

....
Mr. Bidyadhar Pradhan, Advocate

Petitioner

-Versus-

State of Orissa and Another

....
Mr. S.S. Mohapatra, ASC, OP No.1
None for OP No.2

Opposite Parties

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
13.12.2022

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 September, 2022 passed by the learned C.J.M., Baripada in G.R. Case No.1380 of 2007 arising out of Baripada Town P.S. Case No.274 of 2007 for having issued non-bailable warrant of arrest against him on the grounds stated therein.
 3. Perused the copy of the impugned order as at Annexure-1 series.
 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 series 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 C.J.M., Baripada on or before 23rd December, 2022 in G.R. Case No.1380 of 2007 arising out of Baripada Town P.S. Case No.274 of 2007 and in the event he surrenders within the time stipulated, the court below shall release him on bail with conditions as deem just and proper.

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

(R.K. Pattanaik)
Judge