

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 4039 of 2022

Santosh Kumar Pradhan @ Likun

....
Petitioner
Mr. Aparesh Bhoi, Advocate

-Versus-

State of Odisha

....
Opposite Party
Mr. Tapas Kumar Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
21.12.2022

Order No.

- 02.
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 6th December, 2022 passed by the learned Additional Sessions Judge-cum-Special Court POCSO Act, Angul in T.R. Case No.52 of 2022 arising out of Special (POCSO) Case No.64 of 2020 arising out of Colliery P.S. Case No. 354 of 2020 for having issued the non-bailable warrant of arrest against the petitioner on the grounds stated therein.
 3. Perused the impugned order dated 6th December, 2022 as at Annexure-1.
 4. Learned counsel for the petitioner submits that the petitioner was on bail but subsequently NBWA has been issued

against him on 6th December, 2022 since he defaulted in appearance. It is further submitted that the petitioner did not appear on date fixed by the learned court below nor his Advocate had taken any step, as a result of which, 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 perused the order dated 6th December, 2022 but does not find any illegality being committed by the learned court below. In fact, the petitioner failed to turn up and on account of his default and since the defense counsel did not take any step on his behalf, the learned court below rightly issued the NBWA against him. However, at this juncture, the Court is of the view that in the facts and circumstances of the case, the petitioner should be directed to surrender before the court below and released on bail with conditions which instead would serve the purpose.

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 Additional Sessions Judge-cum-Special Court POCSO Act, Angul on or before 12th January, 2023 in T.R. Case No.52 of 2022 arising out of Special (POCSO) Case No.64 of 2020 arising out of Colliery P.S. Case No. 354 of 2020 and in the event he surrenders, the court below shall release him on bail subject to conditions.

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

(R.K. Pattanaik)
Judge