

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.366 of 2022

Jayanti Banara

.... ***Petitioner***
Mr.S.K. Joshi, Advocate

-versus-

State of Odisha

.... ***Opposite Parties***
Mr.Samaresh Jena, ASC
Mr.L.Mishra, Advocate for Informant

**CORAM:
JUSTICE D.DASH**

Order
No.

ORDER
23.03.2023
I.A. No.572 of 2023

11. 1. This matter is taken up by hybrid arrangement (virtual/physical mode).
2. The Petitioner, by filing this application, has prayed for modification of condition as to furnishing of cash security of Rs.3,00,000/- as had been imposed for her release on bail vide order dated 30.11.2022 passed in ABLAPL No.366 of 2022.
3. Learned counsel for the Petitioner submits that despite the order passed on 30.11.2022, the Petitioner, being not in a position to arrange the funds for complying with the condition as to deposit of a sum of Rs.3,00,000/-, she has not been able to avail the benefit. It is stated that in view of running of the case since long, it is no more possible on the part of the Petitioner to arrange said amount so as to reap the benefit of the order of anticipatory bail. He, therefore, urges for waiver of that condition as to deposit of cash and substitution by property security.

4. Learned counsel for the State submits that in the facts and circumstances of the case, the Court has rightly fixed the said condition which needs no modification.

5. Considering the submissions made and further keeping in view the fact that the Petitioner being not able to comply the above condition has not surrendered before the Court below within the time stipulated; this Court feels inclined to reduce the quantum of imposed cash security of Rs.3,00,000/- (rupees three lakhs) to Rs.1,50,000/- (Rupees One Lakh Fifty Thousand). The Petitioner is further directed to furnish property security of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand).

6. It is further clarified that the court below, while accepting the property offered as security, would arrive at a satisfaction that the same are free from encumbrances and that the same has not been given as security in any other case(s).

In view of the above modification, the time period for surrender of the Petitioner in the court below is extended by four weeks with effect from today.

7. The I.A. is accordingly disposed of.

Issue urgent certified copy of this order as per rules.

(D. Dash)
Judge