

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMA No. 4 of 2022

Dharani Behera

....

Petitioner

Mr. J. Behera, Advocate

-Versus -

State of Odisha

Opposite Party

....

*Mr. P.K. Maharaj,
Addl. Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

14.02.2022

Order No.

1.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The sole grievance of the petitioner in the present application is that while directing release of the seized vehicle under Section 457 of Cr.P.C. the learned Sessions Judge, Nayagarh has imposed, inter alia, the condition of furnishing cash security of Rs.15,000/-.
4. It is submitted by learned counsel for the petitioner that having regard to the poor financial condition of the petitioner, he is unable to comply with such condition and in any case the same is harsh and excessive.
5. Learned Additional Standing Counsel fairly submits that considering the financial condition of the petitioner, the Court may pass appropriate order.
6. A perusal of the impugned order reveals that the learned Court below, vide the impugned order has imposed certain conditions

including the condition of furnishing cash security of Rs.15,000/- and also property surety/indemnity bond of Rs.50,000/-

7. Having regard to the fact that the vehicle is a motorcycle and property surety/indemnity bond of Rs.50,000/- is to be furnished as also the submission of learned counsel for the petitioner regarding financial status of the petitioner, I am inclined to allow the application.

8. The CRLMA is therefore, allowed.

9. The impugned order in so far as it relates to the condition for furnishing cash security of Rs.50,000/-, is hereby waived with all other conditions remaining intact.

10. Urgent certified copy of this order be granted on proper application.

(Sashikanta Mishra)
Judge

