

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.48 of 2022

Snehalata Sahoo

.... Petitioner

Mr. B.S. Das, Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE S.K. PANIGRAHI

ORDER

10.02.2022

Order No.

01. 1. The matter is taken up through hybrid mode.
2. This is an application under Section 401 of the Cr.P.C.
3. Heard learned counsel for the petitioner and learned counsel for the State.
4. In this revision, the petitioner assails the order dated 17.01.2022 passed in CRLMC No.387 of 2022 by the learned SDJM, Talcher rejecting her application under Section 457 of the Cr.P.C.
5. Learned counsel for the petitioner submits that while granting bail to the accused, this Court, vide order dated 05.11.2021 in BLAPL No.8245 of 2021, took into consideration on the submission that the accused is ready and willing to refund the entire amount alleged to have been taken by her i.e. Rs.1,90,956/- . Learned counsel for the informant i.e. present petitioner concedes such submissions.

6. It is submitted that the informant i.e. present petitioner had filed an application under Section 457 of the Cr.P.C. before trial court for release of the said amount deposited by the accused in her favour. However, the trial court rejected her application vide order dated 17.01.2022 on the ground that the order passed by this Court on 05.11.2021 in BLAPL No.8245/2021 does not stipulate any condition to release the amount in favour of the present petitioner. Hence, this revision application.

7. Now, learned counsel for the petitioner prays that a direction may be given to the trial court to release the aforesaid amount in favour of the petitioner.

8. Learned counsel for the State submits that a bond equivalent to the aforesaid amount i.e. Rs.1,90,956/- may be submitted before the trial court, if the amount is released in favour of the petitioner.

9. Considering the aforesaid submissions, the CRLREV is allowed. The order dated 17.01.2022 passed in CRLMC No.387/2022 is hereby quashed.

10. It is directed that the trial court shall release the amount of Rs.1,90,956/- in favour of the petitioner provided she submits a bond equivalent to the aforesaid amount. Accordingly, the CRLREV is disposed of.

11. Urgent certified copy of this order be granted as per rules.

(S.K. Panigrahi)
Judge

Pcd