

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMA No.31 of 2022

Gitanjali Padhi

....

Petitioner

Mr. S.K.Joshi
Advocate

-versus-

Republic of India

....

Opposite Party

Mr.S. Naik, Advocate

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

29.03.2022.

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. The prayer in this petition is for modification of the condition imposed by learned Spl.C.J.M., CBI, Bhubaneswar in his order dated 7th May, 2021 whereby he has directed unlocking of the seized house by imposing certain conditions including the condition that the Petitioner shall file an indemnity bond covering the present market value of the building and file an affidavit in this regard along with valuation certificate from the competent authority.

4. It is submitted that the Petitioner is neither an accused in this case nor his name finds place in any of the materials collected during investigation so far. Furthermore the cost of the building would be very high and, hence, the condition so imposed is excessively harsh.

5. Mr. S. Naik, learned counsel appearing for the CBI while opposing the prayer for modification has submitted that investigation has been kept open under the provisions of Section 173(8) of Cr.P.C. and, therefore, unlocking of the house in question should be on certain conditions.

6. Having heard learned counsel for the parties, this Court is of the view that asking the Petitioner to file an indemnity bond covering the present market value of the building is actually harsh. The condition is, therefore, modified to the extent that the Petitioner shall file an indemnity bond for Rs.3,00,000/- (Rupees Three Lakhs). Further, the condition to file an affidavit regarding the valuation is hereby waived.

7. The CRLMA is disposed of.

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

AKB

(Sashikanta Mishra)
Judge

