

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3077 of 2021

Golak Chandra Jena & Another ***Petitioners***
Deepali Mahapatra, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. Samaresh Jena, ASC
Mr. K.P. Mishra, Advocate (Informant)

CORAM:
MR. JUSTICE D.DASH

ORDER
15.12.2022

Order No.

I.A. No.1174 of 2022

06. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. This is an application for modification of the condition imposed by this Court vide order dated 04.07.2022 passed in ABLAPL No.3077 of 2021 as to deposit of Rs. 10,00,000/- as a condition precedent for release of Petitioner No.1 on bail upon his surrender before the court in seisin of the case.
3. Learned counsel for the petitioners submits that the Petitioner No.1 is a retired Government servant and living with his family by maintaining his livelihood from his pension. She further submits that he has no source of income and due to paucity of funds, it has not been possible for the Petitioner to arrange Rs.10,00,000/- in order to comply with the condition and its scope in near future is also bleak. She, therefore, prays

for modification of the quantum of deposit so as to enable the Petitioner to reap the benefit of the order.

4. Learned counsel for the State as also Informant submit that taking into consideration all the surrounding circumstances, this Court having rightly imposed the condition as to deposit; the prayer for modification of the same at this stage does not merit acceptance.

5. Considering the submissions made and on going through the averments taken in the petition; this Court at present feels inclined to reduce the quantum of deposit of Rs.10,00,000/- to Rs.5,00,000/- (Rupees five lakhs) with further direction for furnishing property security to the extent of Rs.5,00,000/- (Rupees five lakhs).

6. It is needless to say that the court below while accepting the property security shall do well to arrive at a satisfaction that the properties so offered as security are free from encumbrances and have not been furnished as security in any other case.

In view of the order passed as above, the time period for surrender of the Petitioner is extended by three weeks from today.

All other conditions shall remain unaltered.

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

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

(D. Dash)
Judge