

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 2849 of 2022

Biswajit Mohanty

....

Petitioner

Mr. D. Das, Advocate

-Versus -

State of Odisha

....

Opposite Party

*Mr. S.K.Mishra,
ASC*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

10.03.2023

I.A. No. 2235 of 2022

Order No.

11.

1. This matter is taken up through hybrid mode.
2. The petitioner was granted bail on 20.05.2022.
3. The present application has been filed seeking modification of the order to the effect that because of financial stringency, he has been unable to arrange require amount to furnish cash security of Rs.5 lakh as also to pay Rs.2,99,000/- by way of equal monthly installments. Being directed by this Court learned State Counsel has obtained instructions from the S.P., CID CB, Cuttack which reads as under:-

“The report reveals that Sri Sudhir Mohanty (Father of petitioner) has two sons namely Satish Mohanty (30) and Biswajit (28). The elder brother of Biswajit Mohanty is physically handicapped and did not provide a single money to his family. Sudhir Mohanty is a mentally disorder person and has no source of income. After the arrest of Biswajit Mohanty his wife Sarita Mohanty is residing in a thatched house having a single room. The mother of Biswajit

Mohanty is also affected by several diseases. Biswajit Mohanty was the only member in his family to look into all the matters and in his absence the family members are facing a lot of financial difficulties.”

4. Learned State Counsel fairly submits that in view of the above report, it is evident that the petitioner is not in a financial position to comply with the order of this Court.

5. This Court observes that the petitioner was granted bail by order dated 20.05.2022. More than nine months have elapsed in the meantime. The petitioner, despite being granted bail has been languishing in jail custody which almost amounts to refusal of his bail. Since this Court after considering the facts and circumstances of the case had decided to grant him bail, he should not be deprived of the benefit thereof for want of financial capability.

5. In such view of the matter and keeping in view the ends of justice, the prayer for modification is allowed. The condition in order dated 20.05.2022 to furnish cash security of Rs.5 lakh is waived. Further instead of Rs.2,99,000/-, the petitioner shall pay Rs. 50,000/- by way of equal monthly installments within a period of one year all other conditions shall remain intact.

6. The I.A. is disposed of.

(Sashikanta Mishra)
Judge