

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.3759 of 2020

Laxmidhar Moharana

....

Petitioner

Mr.H.K. Tripathy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.G.N. Rout, ASC

CORAM:

MR. JUSTICE D.DASH

ORDER

19.05.2022

Order No.

I.A. No.324 of 2022

- 04.
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 07.03.2022 passed in ABLAPL No.3759 of 2020 as to deposit of Rs. 7,00,000/- as a condition precedent for his release on bail upon his surrender before the court in seisin of the case.
 3. Learned counsel for the petitioner submits that due to paucity of funds and as the Petitioner has no independent source of income, it has not been possible for the Petitioner to arrange Rs.7,00,000/- in order to comply with the condition and its scope in near future is also bleak. He, 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 submits 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.7,00,000/- to Rs.3,50,000/- (Rupees three lakhs and fifty thousand) with further direction for furnishing property security to the extent of Rs.3,50,000/- (Rupees three lakhs and fifty thousand).

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