

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 3075 of 2022

Prakash Kumar Behera

....

Petitioner

*Mr. M. Kanungo, Sr. Advocate
along with Mr. S. Das, Advocate*

-Versus -

State of Odisha

....

Opposite Party

*Mr. Manoranjan Mishra,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

30.09.2022

I.A. No. 1578 of 2022

Order No.
06.

1. This matter is taken up through hybrid mode.
2. This is an application for modification of the order dated 23rd August, 2022 passed in the aforesaid bail application with regard to deposit of cash security/bank guarantee by replacing the same to deposit similar amount property surety.
3. Heard the learned counsel for the parties.
4. It is submitted that despite genuine efforts, the petitioner is unable to arrange rupees forty five lakhs to furnish cash security/bank guarantee as directed by this Court vide order dated 23rd August, 2022. It is also submitted that instead of imposing the condition as above, the petitioner may be directed to deposit lesser amount and to furnish adequate property surety.
5. It is seen that the order granting bail was passed on 23rd August, 2022 and more than a month has elapsed in the meantime. Because of financial stringency, the petitioner has not been able to avail the benefit of order which, in a way, amounts to refusal of bail.

6. Considering the above facts, I am inclined to take a lenient view. The order dated 23rd August, 2022 is modified only to the extent that instead of furnishing cash security/bank guarantee of rupees forty five lakhs, the petitioner shall furnish cash security/bank guarantee of rupees ten lakhs and property surety of rupees fifty lakhs.
7. Rest part of the order dated 23rd August, 2022 remains unaltered.
8. The I.A. is, accordingly, disposed of.
9. Urgent certified copy of this order be granted on proper application.

Debasis

(Sashikanta Mishra)
Judge

