

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6810 of 2020

Niranjan Barik

.... ***Petitioner***
Mr.B.K. Swain, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. D.R.Parida, ASC

**CORAM:
MR. JUSTICE D.DASH**

ORDER

05.05.2022

I.A. No.413 of 2022

Order No.

- 04.
1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
 2. The Petitioner, by filing this application, has prayed for modification of condition as to depositing of cash of Rs.1,50,000/- as had been imposed for his on bail vide order dated 31.03.2022 passed in ABLAPL No.6810 of 2020.
 3. Learned counsel for the Petitioner submits that despite the order passed on 31.03.2022, the Petitioner being not in a position to arrange the funds for complying with the condition as to deposit of a sum of Rs.1,50,000/-, he has not been able to avail the benefit of the order. It is stated that in view of running of the case since long, it is no more possible on the part of the Petitioner to arrange said amount so as to reap the benefit of the order. He, therefore, urges for waiver of that

condition as to deposit of cash and substitution of the same by property security of equal extent.

4. Learned counsel for the State submits that in the facts and circumstances of the case, the Court has rightly fixed the said condition which needs no modification.

5. Considering the submissions made and further keeping in view the fact that the Petitioner, being not able to comply the above condition, has not surrendered before the court in seisin of the case for his release on bail; this Court feels inclined to modify the condition as to deposit of cash of Rs.1,50,000/- (rupees one lakhs fifty thousand). Accordingly, it is directed that the Petitioner would deposit a sum of Rs.75,000/- (Rupees Seventy-Five Thousand) and furnish property security of Rs.75,000/- (Rupees Seventy-Five Thousand).

6. It is further clarified that the court below, while accepting the property offered as security, would arrive at a satisfaction that the same are free from encumbrances and that the same has not been given as security in any other case(s).

In view of the above modification, the time period fixed for surrender of the Petitioner before the Court in seisin of the case be extended by four weeks more with effect from today.

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

Issue urgent certified copy of this order as per rules.

(D.Dash)
Judge