

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMA No. 139 of 2022

Sabitri Rana and another

....

Petitioners

Dr. B.K. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
09.09.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. This CRLMA has filed in connection with T.R. Case No.23 of 2022 arising out of Bhubaneswar P.S. Case No.003 of 2022 pending in the file of the learned District & Sessions Judge, Bhubaneswar for waiving off the condition imposed by the learned District & Sessions Judge, Bhubaneswar on dated 07.06.2022 while allowing the bail.
4. This Court by order dated 31.05.2022 directed release of the petitioners and observed that the learned Court below is to fix the terms including “the condition that she shall personally appear before the trial Court on each date of posting of the case without fail”.

5. It is the grievance of the present petitioner that while releasing the petitioners on bail the learned Court below directed for imposition of cash security of Rs.10,000/-(Rupees Ten Thousand) each.

6. It is submitted by the learned counsel for the petitioner that because of penury, the petitioners are not being able to be released on bail and hence seeks modification of the order regarding cash security.

7. Law is no longer res integra that conditions should not be imposed in such a manner which will render the order directing release of an accused futile.

8. While imposing cash security, the learned Court below seems to have lost sight of such salutary principle.

9. Hence, in the interest of justice and considering the submission of the learned counsel for the petitioner regarding hardship in complying with the pre-condition of cash security, this Court is persuaded to direct modification of the same in the interest of justice and accordingly, the condition relating to cash security of Rs.10,000/- is set aside.

10. All other the conditions shall remain unaltered.

11. The CRLMA accordingly stands disposed of.

(V. NARASINGH)
Judge

Santoshi