

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8915 of 2020

Kalpana Samantray

.... ***Petitioner***
Mr.D.Mohapatra, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. Samaresh Jena, ASC

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

**Order
No.**

**ORDER
25.11.2022**

I.A No.1644 of 2022

- 06.
1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
 2. This is an application for modification of the conditions imposed by this Court vide order dated 25.08.2022 in I.A No.484 of 2022 as to deposit of cash for the release of the Petitioner on bail.
 3. Learned counsel for the Petitioner submits that abiding earlier order dated 12.04.2022, the Petitioner had deposited a sum of Rs.3,00,000/-prior to the order passed in I.A No.484 of 2022 and thereafter, on the prayer of the Petitioner, this Court had reduced the quantum of deposit to Rs.1,00,000/-. Under the circumstance, he prays that as the Petitioner, with much difficulty, by borrowing money from others, had deposited a sum of Rs.3,00,000/- and that on his prayer has been reduced to Rs.1,00,000/- an order may kindly be passed for refund a sum

of Rs.2,00,000/- to the Petitioner in the interest of justice keeping one lakh in long term fixed deposit in any Nationalized Bank to be renewed from time to time as the Court deems just and proper for its disbursement and release which shall be subject to the final order as would be passed at the conclusion of the Trial.

4. Learned Counsel for the State does not dispute the position that the earlier order as to deposit of cash of Rs.3,00,000/- has been reduced to Rs.1,00,000/- by subsequent order passed on 25.08.2022.

5. Considering the submissions made and on going through the earlier orders passed by this Court, this application stands disposed of that in the case the Petitioner has already deposited a sum of Rs.3,00,000/- before the Trial Court which has been kept in long term fixed deposit in terms of earlier order dated 12.04.2022, from out of the same, upon an application being filed by this Petitioner annexing all the orders, the Court below would refund an amount of Rs.2,00,000/- (Rupees two Lakh) and keep the balance of Rs.1,00,000/- (Rupees One Lakh) only. Other terms as to mode of deposit etc shall remain unaltered.

The I.A is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(D. Dash)
Judge