

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6835 of 2021

Naba @ Bijay Kumar Mohanty

.... Petitioner

Mr.R.K. Nayak, Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. G.N. Rout, ASC

CORAM:

MR. JUSTICE D.DASH

ORDER

29.03.2022

I.A. No.129 of 2022

Order No.

- 03.
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 furnishing of cash security of Rs.10,00,000/- as had been imposed for his release on bail vide order dated 28.09.2021 passed in BLAPL No.6835 of 2021.
 3. Learned counsel for the Petitioner submits that despite the order of bail being passed on 28.09.2021, the Petitioner being not in a position to arrange the funds for complying with the condition as to deposit of cash, he has remained in custody since 24.06.2021. It is stated that the Petitioner is having no other person to shoulder the burden of the family and he being the only surviving member of the family, is getting no help from any other quarter. He, therefore, urges

for substitution of that condition as to deposit of cash by imposition of property security to that 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 remained in custody for further period; this Court at present feels inclined to reduce the quantum of imposed cash of Rs.10,00,000/- (rupees ten lakhs) to Rs.5,00,000/- (Rupees Five Lakhs). The Petitioner is also directed to furnish property security of Rs.5,00,000/- (Rupees Five Lakhs).

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).

The I.A. is accordingly disposed of.

Issue urgent certified copy as per rules.

(D.Dash)
Judge

Basu