

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15594 of 2020

Bhagaban Patel

....

Petitioner

Mr.M.R. Samantaray, Advocate

-versus-

State of Odisha (Vigilance)

....

Opposite Party

Mr. M.S. Rizvi, ASC (Vigilance)

CORAM:

MR. JUSTICE D.DASH

ORDER

12.09.2022

Order No.

I.A. No.604 of 2022

06. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. This is an application for modification of the condition imposed by this Court vide order dated 05.05.2022 passed in ABLAPL No.15594 of 2020 as to deposit of Rs. 3,50,000/- as a condition precedent for his release on bail upon her surrender before the court in seisin of the case.
3. Learned counsel for the petitioner submits that the Petitioner is a retired employee of a Co-operative Society and due to initiation of the vigilance case; the Co-operative Society has stopped the retirement benefits of the Petitioner. He further submits that due to paucity of funds, it has not been possible for the Petitioner to arrange Rs.3,50,000/- in order to comply with the condition and its scope in near future is also bleak. He,

therefore, prays for modification of the quantum of deposit so as to enable the Petitioner to reap the benefit of the order.

4. Learned counsel for the Vigilance submits that taking into consideration all the surrounding circumstances, this Court having rightly imposed the condition as to deposit; the prayer for modification of the same at this stage does not merit acceptance.

5. Considering the submissions made and on going through the averments taken in the petition; this Court at present feels inclined to reduce the quantum of deposit of Rs.3,50,000/- to Rs.1,00,000/- (Rupees one lakh) with further direction for furnishing property security to the extent of Rs.2,50,000/- (Rupees two lakhs fifty thousand).

6. It is needless to say that the court below while accepting the property security shall do well to arrive at a satisfaction that the properties so offered as security are free from encumbrances and have not been furnished as security in any other case.

In view of the order passed as above, the time period for surrender of the Petitioner is extended by three weeks from today.

All other conditions shall remain unaltered.

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

8. Issue urgent certified copy of this order be granted on proper application.

(D. Dash)
Judge

