

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11805 of 2022

***Biswajit Mohapatra @
Kalia*** ***Petitioner***

*Mr. S.C. Mohapatra
Senior Advocate*

-versus-

State of Odisha ***Opp. Party***

*Mr. Priyabrata Tripathy
Addl. Standing Counsel
Mr. B.K. Dash, Advocate for the
informant*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
18.05.2023**

I.A. No.601 of 2023

Order No.

02. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

This is an application for modification of the order dated 20.12.2022.

The petitioner vide order dated 20.12.2022 was granted bail on following terms and conditions:

"Let the petitioner be released on bail in the aforesaid case on furnishing bail bond of Rs.50,000.00 (rupees fifty thousand) with

two local solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter with further terms and conditions as the learned Court may deem just and proper with further conditions that the petitioner shall furnish cash security of Rs.2,00,000/- (rupees two lakhs only) at the time of his release on bail and so far as the balance amount of Rs.18,00,000/- (rupees eighteen lakhs) is concerned, he shall give an undertaking to deposit the same in monthly installments of Rs.1,00,000/- (rupees one lakh) and the deposit of the first installment shall commence a month after his release on bail. The cash security, if deposited, shall be kept in short term fixed deposit scheme in any Nationalized Bank which shall be renewed from time to time till conclusion of the trial and its disbursement shall be subject to the judgment of the learned trial Court. If the petitioner fails to deposit any of the installments in time, the learned Court in seisin over the matter would be at liberty to cancel the order of bail and take the petitioner in judicial custody. The petitioner

shall not try to tamper with the prosecution evidence.”

Mr. S.C. Mohapatra, learned Senior Advocate appearing for the petitioner submitted that after furnishing cash security of Rs.2,00,000/- (rupees two lakhs), the petitioner was released from judicial custody and thereafter, he has deposited Rs.1,00,000/- (rupees one lakh) per month for four months i.e. total Rs.4,00,000/- (rupees four lakhs) towards the balance amount of Rs.18,00,000/- (rupees eighteen lakhs), which was supposed to be deposited by him as per the bail order and thus, the petitioner has all total deposited Rs.6,00,000/- (rupees six lakhs) before the learned Court below and at present, he is having financial difficulty and the monthly installments be reduced so that the petitioner can comply with the order of this Court in depositing the rest of the amount.

Learned counsel for the informant opposed the submission made by the learned counsel for the petitioner.

Considering the submissions made by the learned counsel for the respective parties, since the petitioner is supposed to deposit a further amount of Rs.14,00,000/- (rupees fourteen lakhs) as per the bail order dated 20.12.2022, let him deposit the balance

amount on a monthly installment of Rs.50,000/- (rupees fifty thousand) without fail failing which the petitioner shall be taken into judicial custody.

With this modification, the rest part of the order dated 20.12.2022 remains unaltered.

I.A. is accordingly disposed of.

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

(S.K. Sahoo)
Judge



RKM

Signature Not Verified

Digitally Signed
Signed by: RABINDRA KUMAR MISHRA
Designation: Personal Assistant
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 19-May-2023 18:21:14

