

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.11061 of 2021

Bikash Chandra Panda

.... ***Petitioner***
Mr.J.K. Panda, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr.D.R. Parida, ASC

CORAM:
MR. JUSTICE D.DASH

ORDER
08.03.2022

Order No.

I.A. No.252 of 2022

02. 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.4,00,000/- as had been imposed for his release on bail vide order dated 25.01.2022 passed in BLAPL No.11061 of 2021.
3. Learned counsel for the Petitioner submits that despite the order of bail being passed on 25.01.2022, the Petitioner being of poor financial status is not in a position to arrange the funds for complying with the condition as to furnishing of cash security and thus has further remained in custody for about one and half months by now. It is further stated that in view of the long period of detention of the Petitioner in custody, he having lost the contacts with his friends and relations, it is no more possible on his part to arrange said amount so as to reap the benefit of the order of bail. In view of the above, he urges for

modification of the condition by way of waiver of the condition as to the cash security.

4. Learned counsel for the State as well as learned counsel for the Informant submit 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 conditions has remained in custody for further period; this Court at present feels inclined to reduce the quantum of imposed cash security of Rs.4,00,000/- (rupees four lakh) to Rs.2,00,000/- (Rupees two lakhs). The Petitioner is also directed to furnish property security of Rs.2,00,000/- (Rupees two 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.

6. Issue urgent certified copy of this order as per rules.

(D. Dash)
Judge

Himansu