

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.82 of 2022

Aresu @ Aresh Das

....

Petitioner

Mr.Sarada Prasad Dash,Advocate

-versus-

State of Odisha

....

Opp.Party

Mr.K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

11.03.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel.
3. The present revision application is directed against the order dated 10.01.2022 passed by the learned Additional Sessions Judge-cum- Presiding Officer, Children Court, Angul in Crl.Appeal No.39 of 2021 whereby the learned Court below has confirmed the order dated 27.12.2021 passed in J.D.Case No.106 of 2021 by the learned P.M. JJB, Angul corresponding to NTPC P.S.. Case No.121 of 2021 for commission of offence under Section 394 of the Indian Penal Code.
4. The Prosecution case as narrated in the F.I.R. in brief is that on 18.08.2021 one Ganeswar Nahak lodged a report before the I.I.C., NTPC P.S. alleging therein that on 18.08.2021 morning while he was returning from NTPC market by his motorcycle four unknown

persons obstructed him and assaulted and snatched away a cash of Rs.65,000/- from him. With the aforesaid information, the present case has been registered.

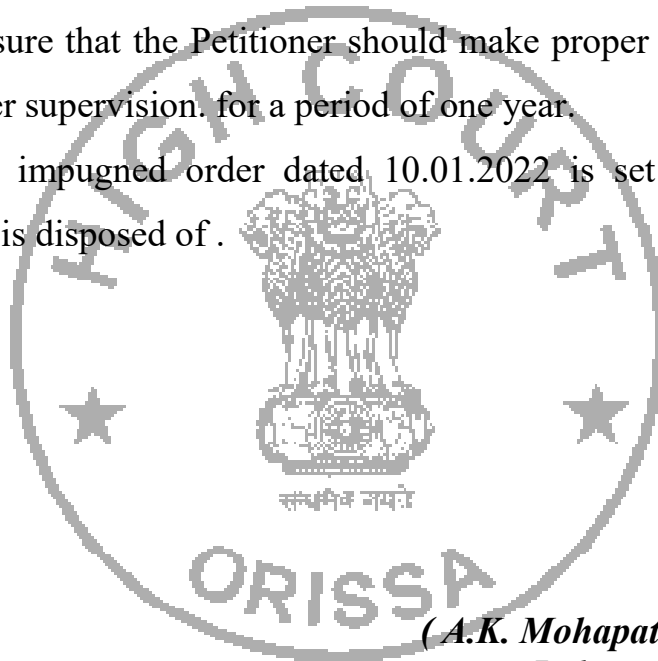
5. It is submitted by the learned counsel for the Petitioner that admittedly, the Petitioner is a juvenile aged about 17 years. He further submits that the Petitioner is in custody since 13.09.2021. Further in the meantime the investigation has been concluded and charge sheet has been filed. It is further submitted by the learned counsel for the Petitioner that co-accused persons have already been released on bail in this case. In view of the aforesaid fact, learned counsel for the Petitioner prays that the Petitioner is entitled to the benefit provided under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and accordingly prays for release of the Petitioner on bail subject to such terms and conditions as would be deemed fit and proper.

6. On perusal of rejection order of the learned court below, it is revealed that the CCL is involved in two other cases. Therefore, the learned court below is under the view that the Petitioner is not entitled to the provisions provided under Juvenile Justice (Care and Protection of Children) Act, 2015.

7. Learned Additional Standing Counsel on the other had does not dispute the age of the Petitioner. He further submits that the Petitioner is entitled to the benefit under Sections 12 of Juvenile Justice (Care and Protection of Children) Act, 2015 However considering the fact that the involvement of the Petitioner in another case, learned counsel for the State contends that this Court should not release the Petitioner on bail. In the event he is released on bail, necessary care be taken for counseling of the Petitioner and give further supervision ad guidance.

8. Considering the submissions made by the parties and considering the fact that the Petitioner is a juvenile and is in custody since 13.09.2021 this Court is inclined to release the Petitioner on bail subject to furnishing bail bond of Rs.30,000/- (Rupees Thirty thousand) with one surety for the like amount to the satisfaction of the learned court in seisin over the matter. Further it is directed that the learned court below shall take necessary steps under the provisions under section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and he may fix suitable terms and conditions as deem fit and proper. Further the learned court below should ensure that the Petitioner should make proper counseling and give proper supervision. for a period of one year.

9. The impugned order dated 10.01.2022 is set aside and the CRLREV is disposed of .



RKS

(A.K. Mohapatra)
Judge