

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLREV No.121 of 2022

Biranchi Pradhan

....

Petitioner

Mr. G.K. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Das, Additional Standing Counsel

Mr. S.R. Mohapatra, counsel for the informant

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

26.8.2022

Order No.

- 08.
1. This matter is taken up through hybrid mode.
 2. Heard Mr. G.K. Mohanty, learned counsel for the CCL-Petitioner, Mr. S.R. Mohapatra, learned counsel for the informant and Mr. K.K. Das, learned Additional Standing Counsel for State.
 3. Present criminal revision under Section 102 of the Juvenile Justice (Care and Protection of Children) Act has been filed for bail of the child in conflict with law (CCL) – Biranchi Pradhan in connection with J.J.C. Case No.44 of 2020 arising out of Banki P.S. Case No.39 of 2020, now pending before learned P.M., J.J.B., Cuttack for alleged commission of offences under Sections 147/148/302/120-B/216/149 of the Indian Penal Code.
 4. It is submitted by Mr. Mohanty, learned counsel for the C.C.L.-Petitioner that this juvenile Petitioner is inside custody since 29th August, 2020 and the inquiry against him is still pending. It is further submitted by handing over the certified copy of the social investigation report dated 12th October, 2020 prepared by one Debasmita Nayak, the Probation Officer, that, this Juvenile-Petitioner

has no criminal antecedent. It is also mentioned in the said report that the Juvenile was working as a helper in the truck after discontinuance of his studies. It is further submitted by Mr. Mohanty that no active role has been attributed in respect of the present Petitioner for the cause of assault.

5. Mr. Mohapatra, learned counsel for the informant as well as Mr. Das, learned ASC oppose the prayer for bail by submitting that this Juvenile-Petitioner was present at the spot of occurrence and actively participated in the assassination.

6. After hearing all the parties and considering the statement of the witnesses as well as statement made by one of the deceased in the alleged oral dying declaration, the social investigation report, the role played by the CCL in the alleged assault and his period of detention and the provisions contained in Section 12 of the Juvenile Justice (Care and Protection of Children) Act, it is directed to release the CCL - Petitioner on bail in the aforesaid case on such terms and conditions to be fixed by the learned JJB/court in seisin over the matter including the condition that the mother-guardian of the Petitioner shall furnish an undertaking to the effect that she will take proper care of the CCL and avoid his association from known criminals.

7. The certified copy of the social investigation report filed by the Petitioner is kept on record.

8. The CRLREV is accordingly disposed of.

9. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge