

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLA No.274 of 2022**

***Silu Bhoi and another***

***Appellants***  
....  
*Mr. Anirudha Das, Advocate*

***-versus-***

***State of Odisha***

***Respondent***  
....  
*Mr. K.K. Nayak, ASC for State-Resp. No.1*

**CORAM:  
JUSTICE A.K.MOHAPATRA**

**ORDER  
26.04.2022**

**Order No.**

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Appellants and learned counsel for the State. Perused the Case Diary, F.I.R., charge-sheet and statement of the witness.
3. The petitioner being in custody in connection with Parjang P.S. Case No.88 of 2021 corresponding to G.R. Case No.89 of 2021 on the file of learned Addl. District & Sessions Judge-cum-P.O., Children's Court, Dhenkanal in J.C.C.T.(SS) No.2 of 2021, running for alleged commission of offence under Sections 147/148/302/325/307/149 of the I.P.C., has filed this application under Section 101(5) r/w. Section 12 of Juvenile Justice (Care & Protection of Children) Act, 2015 for his release on bail.
4. Learned counsel for the Petitioner/CCL submits that the Petitioner being arrested in the case is in custody since 12.05.2021.

He further submits that it is the version of the injured witness that through this Petitioner/CCL and others had gone to the place of incident, this Petitioner/CCL is not said to have played any role first in assaulting the deceased and such role is attributed to accused Tukuna who is said to have dealt the fatal blow on the neck of the deceased by means of a Tangia that he was holding. He submits that it is the prosecution case that this Petitioner/CCL and other accused persons assaulted the deceased after the blow on his neck-fell and such blows are said to have been given on the thighs and abdomen part resulting some bruises as is evident from the post-mortem report. In view of all these above, he submits that even if for a moment it is said that the Petitioner/CCL was a member of the unlawful assembly, it cannot be said that he was a member as such to have acted in prosecution of the common object of the said assembly in causing the death of the deceased. With such materials on record, the Petitioner/CCL having remained in custody since 12.05.2021, he urges for grant of bail as according to him further detention of the Petitioner/CCL in custody would serve no useful purpose when there remains no scope on the part of the Petitioner/CCL to flee from justice and tamper the evidence.

5. Learned counsel for the State opposes the move. According to him, the stage is too pre mature to take a view that the common object of the assembly was not to cause the death of Purna Chandra. He submits that even if for a moment, it is said that the unlawful assembly had not carried the common object of causing the death of Purna Chandra at the first instance, circumstances are clearly suggestive of the position that it stood developed at that moment at the spot. He, however, does not dispute the position that the

prosecution case stands against Tukuna to have given a fatal blow on the neck of the deceased by means of Tangia and the role of this Petitioner is to the extent of proceeding to the spot and assaulting the deceased by lathi on his person. Further it is submitted that the co-accused persons have been released on bail by this Hon'ble Court.

6. Taking into account the submissions made; further keeping in view the materials on records as those stand against the Petitioner/CCL with other surrounding circumstances including the period of detention of the Petitioner/CCL in custody, this Court is inclined to release the Petitioner/CCL subject to the Parent's of the Petitioner/CCL furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one solvent surety for the like amount, preferably, one of the Parent will have to come forward and stand as surety to the satisfaction of the learned court in seisin of the matter.

7. Learned court below is further directed to fix the terms and conditions keeping in view the safety and welfare of the Petitioner/CCL. The Parents of the Petitioner/CCL shall also furnish an undertaking to the effect that the Petitioner shall not get involved in any criminal activities and they shall render proper counseling and keep the CCL under supervision. The Probation Officer is directed to interact with the Petitioner/CCL and report to the court in seisin over the matter once in every month.

8. CRLA is accordingly allowed.

9. Issue urgent certified copy of this order on proper application.

**(A.K. Mohapatra)**  
**Judge**