

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.298 of 2022

Nari @ Narendra Barik **Appellant**
Mr. Mohendra Kumar Mohapatro, Advocate

-versus-

State of Odisha **Respondent**
Mr. K.K. Nayak, ASC for State

CORAM:
JUSTICE A.K. MOHAPATRA

ORDER

17.05.2022

Order No.

I.A. No.610 of 2022

02. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application for condonation of delay in filing the criminal appeal.
3. Since there is no delay in filing the criminal appeal, learned counsel for the Appellant does not want to press this application.
4. I.A. stands disposed of as not pressed.
5. Heard learned counsel for the Appellant-CCL and learned counsel for the State. Perused the Case Diary, F.I.R. and statement of the witness.
6. This appeal has been filed by the Appellant/CCL challenging the order dated 28.10.2021, passed by the learned 2nd Additional Sessions Judge-cum-Presiding Officer, Children's Court, Berhampur

in J.R. Case No.87 of 2019, arising out of Kodala P.S. Case No.283 of 2019, for commission of alleged offences under Sections 302/294/323/324/380 of I.P.C., rejecting the bail application filed by the Appellant.

7. Learned counsel for the Appellant/CCL submits that the Appellant arrested in the case is in custody since 16.10.2019. It is further submitted that police after completion of investigation has submitted final form against the Appellant for the offence u/s.302/294/323/324/380 of I.P.C. on 12.02.2020 keeping the investigation open. It is submitted that after the charge-sheet, the Appellant approached before the Children's Court, Berhampur, who refused to grant bail to the Appellant. He approached this Court in CRLA No.60 of 2021 and this Court was pleased to grant interim bail for a period of four months from the date of his release along with certain conditions. It is further submitted that after release on bail, the Appellant has never misused the liberty granted to him and surrender before the court below before the due date. It is submitted that Appellant has been entangled in the case due to tussle between two friends and in a spur of a moment such an incident has occurred. Moreover, the Appellant has no criminal antecedents. On the above background, learned counsel for the Appellant urges for release of the present Appellant on bail.

8. Learned counsel for the State opposes the move. However, he submits that in the event of bail, stringent conditions may be imposed on the Appellant.

9. Taking into account the submissions made; further keeping in view the materials on records and the surrounding circumstances

including the period of detention of the Appellant/CCL in custody, this Court is inclined to release the Appellant/CCL on interim bail for a period of four months from the date of his release, subject to the Parent's of the Appellant/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.

10. Learned court below is further directed to fix the terms and conditions keeping in view the safety and welfare of the Appellant/CCL. The Parents of the Appellant/CCL shall also furnish an undertaking to the effect that the Appellant shall not get involved in any criminal activities, he shall appear before the concerned C.D.P.O. once in every month and further the parents of the CCL shall render proper counseling and keep the CCL under supervision. The Probation Officer is directed to interact with the Appellant/CCL and report to the court in seisin over the matter once in every month. Violation of any conditions shall entail rejection of the bail application of the Appellant. It is also made clear that after completion of the period of interim bail, the Appellant shall surrender before the court below on or before 16.09.2022 along with the surrender certificate and in the event trial is not commenced in the meantime, he may renew his prayer.

11. CRLA is accordingly allowed.

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

(A.K. Mohapatra)
Judge