

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.188 of 2021

Pravas Sahoo

Appellant
.....
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.

06. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Appellant and learned counsel for the State. Perused the Case Diary, F.I.R. and statement of the witness.
3. The petitioner being in custody in connection with Sahadevkhunta P.S. Case No.336 of 2019 corresponding to Special Case No.361 of 2019 on the file of learned Addl. District Judge-1, Special Judge, Balasore, for alleged commission of offence under Section 395 of I.P.C. read with Section 25/27 of Arms Act, has filed this application under Section 101(2) of the 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 31.10.2019. The prosecution allegation is that on 31.10.2019, one Mansha Singh

lodged an FIR before the IIC, Sahadevkhunta P.S. alleging that the informant stayed at the Railway Station. He is working as a labourer. Due to quarrel at home, he proceeded towards Bus stand at about 2.00 AM. On his way towards Bus stand near Anand Bazar turning, a group of 5 to 6 persons armed with lethal weapon obstructed him and took away his white half shirt, one jeans full pant and other garments and vivo Y15 mobile over Box two mobile phones from his pocket and a purse which has contained Rs.650/-, for which, he lodged an FIR before the police station. It is submitted that Police after investigation arrested the present Petitioner/CCL on 31.10.2019 and sent him to Juvenile Home. Thereafter Petitioner/CCL moved for bail before the learned trial court, which was subsequently rejected vide order dated 5.8.2020. Against the said order, he preferred appeal before this Court claiming 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. It is also submitted that in the meantime other co-accused persons have been released on bail by this Hon'ble Court

5. Learned counsel for the State opposes the move. However, in the event of bail, stringent conditions may be imposed in the event of bail.

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