

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLA NO. 393 OF 2022

Sidhartha Sankar Sahoo @ Liku *Appellant*
@ Sidharth Sahoo

Mr. S.R.Mohapatra, Adv.

-versus-

State of Odisha and Anr. *Respondents*

Mr. G.R.

Mohapatra, ASC

CORAM:
DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
30.09.2022

03. 1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the parties.
3. This appeal has been filed by the appellant under Section 101(5) of Juvenile Justice (Care and Protection of Children) act, 2015 with a prayer to set aside the order dated 04.05. 2022 passed by the learned Additional Sessions Judge-cum-P.O. Children Court, Dhenkanal in J.C. C.T.(SS) No. 06 of 2021 arising out of Kamakhyanagar P.S. Case No. 222 of 2021 charge

sheeted under Section 147/148/341/294/506/302/149 of Indian Penal Code read with Section 3(1)(r)(s) and Section 3(2)(v) (va) of SC & ST (P.A) Act and release him on bail

4. The Case of the prosecution, in brief is that on 16.06.2021 at about 8 P.M. while he along with his elder brother Tofan Patra were returning from market, the present appellant along with some other accused persons abused the brother of the informant by calling the name of their caste. It is further alleged that all the accused persons surrounded the brother of the informant and started abusing him in filthy languages. At that moment all the accused persons reached at the spot and fired gun shot from their revolvers at the brother of the informant as a result of he succumbed to the injuries. Thereafter, FIR was registered based on the allegation of the informant against all the accused persons including the CCL/appellant.

5. It is submitted that though the present appellant was a member of the group while crime was committed, he has

no direct involvement in the commission of the offence. Apart from that the principal accused is Biswajeet Behera @ Biki has fired the gun shot to the deceased. Moreover, some co-accused persons who are similarly situated with the CCL/appellant, have already been enlarged on bail by order of this Court vide order 19.04.2022 in CRLA Nos.103 of 2022, 328 of 2022 and CRLA No. 676 of 2021. He has been languishing in custody since 06.07.2021. Further, the father guardian of the CCL/appellant undertakes to look after the appellant and there is no likelihood to bring him with association of the criminal.

6. Learned counsel for the State though vehemently opposed the bail of the appellant but conceded the submission regarding staying with lawful guardian for reformation.

7. Considering the submissions, facts and circumstances of the case and period of detention of the appellant in custody , it is directed that the CCL/appellant be released on bail by the Court in seisin over the matter on such

terms and conditions as deemed just and proper with further conditions that:

- i. he shall appear before the trial court on each date of the posting of the case and
- ii. he shall not indulge himself in any criminal offence.

8. The CRLA is accordingly disposed of.

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(*Dr. S.K. Panigrahi*)
Judge