

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2236 of 2022

Manas Palei

....
Mr. B.B. Mishra, Advocate

Petitioner

-Versus-

State of Odisha

....
Mr. T.K. Praharaj, SC

Opposite Party

CORAM:
MR. JUSTICE R.K. PATTANAİK

Order
No.

01.

ORDER
19.09.2022

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Present challenges is as to the proceeding before the Juvenile Justice Board, Boudh in J.C. No.3 of 2022 corresponding to Boudh P.S. Case No.70 of 2022 on the grounds stated therein.
3. Perused the copy of the FIR as at Annexure-1
4. The petitioner is involved in a case registered by Boudh P.S. Case No.70 of 2022 under Section 372(2)(n) IPC and besides Section 6 of the POCSO Act.
5. Learned counsel for the petitioner submits that the petitioner and the victim both are minor and had been in the relationship, the fact which is revealed from the FIR considering which the petitioner could not have been criminally prosecuted before the Juvenile Justice Board, therefore, the proceeding should be quashed which is objected to by learned counsel for the State who informs the Court that an application for bail in anticipation of arrest was moved but then it was not entertained by this Court

rather direction was made for his surrender and prayer for bail to be considered on merit by the Board. Perused the FIR and connected matters, this Court is not inclined to interfere with the proceeding before the Juvenile Justice Board. At this juncture, the learned counsel for the petitioner submits that the petitioner should be directed to surrender before the learned Juvenile Justice Board, Boudh and apply for bail which would serve the purpose of the present.

6. Consequently, the CRLMC stands deposed of with a direction to the petitioner to surrender before the Juvenile Justice Board, Boudh in connection with J.C. Case No.3 of 2022 on or before 30th September, 2022 and in the event he applies for bail, it shall be considered by the Board, Boudh as per in accordance with law keeping in view the nature of allegations and spirit of law applicable to him on the principle that rejection of bail is normally an exception in respect of a juvenile and such plea to be considered and shall be disposed of on the very same day unless there is any other impediment.

7. An urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

Tudu