

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.486 of 2021

Nayan Nag

..... Petitioner
Mr.B.K.Ragada, Advocate

-versus-

State of Odisha & another

..... Opp.Parties
Mr.P.C.Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

11.03.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel.
3. The present revision application has been filed challenging the order dated 11.11.2021 passed by the learned Sessions Judge, Bargarh in Criminal Appeal No.10 of 2021 thereby dismissing the appeal filed by the Petitioner against the order dated 17.09.2021 passed by the Principal Magistrate, Juvenile Justice Board, Bargarh in C.,T./J.G.R.Case No.77/60 of 2021 arising out of Padampur P.S.Case No.199 of 2021 registered under Sections 302,307,294, 506/34 of the Indian Penal Code read with Section 3(1)(r), 3(1)(s)/3(2)(v)/3(2)(va) of SC & ST (PA) Act.
4. The Prosecution case as revealed from the F.I.R. is that the informant lodged information before the I.I.C., Padampur P.S. alleging therein that one Sunil Mahakur, who was friend of other

accused persons, was driving his motorcycle at high speed in the locality of the informant to which he protested the act of Sunil Mahakur, who being annoyed started abusing the informant in filthy languages. It is further stated in the F.I.R. that on 12.09.2021 at about 1.30 P.M. while the informant was sitting in the village Chhak, the accused persons came to him and started abusing in filthy languages using the name of his caste. Out of fear he ran to his house, but the petitioner along with other accused persons being armed with lathi, thenga etc. came to the house of the informant. Hearing the hullah, the nearby persons came to the spot and tried to snatch the weapons from them. But accused Dhanpati Nag threatened and stabbed the left chest of Kandarpa Nag, when Hiralal Nag tried to save Kandarpa, said Dhanpati also attacked him with the same knife, as a result he sustained injury on his person.

5. It is submitted by the learned counsel for the Petitioner that the Petitioner is in custody since 17.09.2021 and that investigation of the case has been completed and the Police has filed charge sheet. It is further submitted by the learned counsel for the Petitioner that as per the prosecution story, the Petitioner has not participated in the assault and he was only present at the spot of occurrence. The main assailant is one Dhanpati Nag, who dealt the stab blow to the deceased, as a result of which the deceased succumbed to the injuries. Further, it is submitted by the learned counsel for the Petitioner that the Petitioner is admittedly a juvenile and as such he is entitled to protection under the provisions provided under the Juvenile Justice (Care and Protection of Children) Act, 2000.

6. Learned Additional Standing Counsel submits that the nature of allegations is serious in nature and admittedly the Petitioner is a juvenile. He further submits that in the event the Court is inclined to

release the Petitioner on bail, then direction be issued for safety and protection of the Juvenile as well as counseling.

7. Considering the aforesaid facts and circumstances of the case and the fact that the Petitioner is in custody since 17.09.2021, this Court is inclined to release the Petitioner on bail subject to furnishing of personal bond by his parents, grandparents or any other near relative of Rs.30,000/- (Rupees Thirty thousand) to the satisfaction of the learned Court below on such terms and conditions as deemed fit and proper by the learned court in seisin over the matter keeping in view Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

8. In view of the aforesaid direction the impugned order dated 11.11.2021 is set aside.

9. The Revision is allowed.

RKS

