

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV NO. 516 OF 2021

***Swadhin Mandangi@
Arya @ Arjuna***

....

Petitioner

Mr.G.Sahu, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.S.N.Roula, ASC

CORAM:

JUSTICE S.K. PANIGRAHI

ORDER

20.01.2022

**Order
No.**

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1. This matter is taken up by virtual mode
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner in this revision has challenged the impugned order dated 16.11.2021 passed by the learned Principal Magistrate, Juvenile Justice Board, Rayagada, in Criminal Appeal No.03 of 2021 corresponding to G.R. Case No.12 of 2019(JJC- 20 of 2019).
4. Learned counsel for the petitioner submits that the petitioner has not committed any offence. He is an innocent boy. But, he was arrested and taken to custody on 20.06.2019 based on the FIR allegation. Since then he has been languishing in custody. The petitioner had moved his bail application before the learned Sessions Judge, Rayagada with a prayer to enlarge him on bail. But, the learned Sessions Judge, Rayagada has rejected the petition without appreciating the facts and law in its proper perspective.

5. Being aggrieved with the order dated 14.05.2020 passed by the learned Sessions Judge, Rayagada in BLAPL No.112 of 2020, the petitioner moved this Court in CRLA No.623 of 2020 which was disposed of by this Court granting interim bail to the petitioner for a period of four months. Thereafter, abiding by the conditions, he, being the minor, surrendered before the Juvenile Justice Board after completion of the interim period. It is further submitted that the co-accused who is similarly situated with the petitioner, has already been enlarged on bail by order of this Court vide BLAPL No.7166 of 2021. Apart from that , none of the witnesses have whispered a single incriminating word against the petitioner.

6. However, learned counsel for the petitioner brought to the notice of this Court regarding a Supreme Court order being Writ Petition (Civil) No(s) 4 of 2020 taken up suo motu by the Hon'ble Apex Court in view of the COVID -19 pandemic, for the interest of children all of whom fall within the ambit of Juvenile Justice (Care and Protection of Children) Act, 2015. In the said order, the Hon'ble Apex Court has directed that the JJBs and Children's Courts to consider whether a child or children should be kept in the CCL considering the best interest, health and safety concerns especially during the COVID -19 Lock down period including the following:-

“Children alleged to be in conflict with law, residing in Observation Homes, JJB shall consider taking steps to release all children on bail, unless there are clear and valid

reasons for the application of the proviso to Section 12, JJAct, 2015.21.”

Considering the above submissions made and the directions of the Hon’ble Supreme Court of India , it is directed that the petitioner CCL be released on bail by the learned Principal Magistrate, Juvenile Justice Board, Rayagada in the aforesaid case with some stringent terms and conditions as the court deem fit and proper.

7. The CRLREV is accordingly disposed of being allowed.

8. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court’s website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court’s Office Order dated 7th January, 2022.

(S.K.Panigrahi)
Judge