

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.4 of 2022

Siba Tappo

..... Petitioner
Mr. S.K. Jena, Advocate

-versus-

State of Odisha and another

..... Opposite Parties
Mr. M.K. Mohanty, ASC for State

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
12.05.2022

Order No.

05

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Certified copy of the FIR as well as Social Investigation Report are filed in Court today, which is taken on record.
3. Heard learned counsel for the Petitioner as well as learned counsel for the State.
4. The present revision application has been filed by the Petitioner/CCL challenging the order dated 09.12.2021, passed by the learned District & Sessions Judge, Bargarh, in Criminal Appeal No.14/2021, thereby while dismissing the appeal confirming the order dated 11.11.2021, passed by the Principal Magistrate, Juvenile Justice Board, Bargarh, in JGR Case No.69 of 2021 (arising out of Ambabahana P.S. Case No.187 of 2021), refusing to grant bail to the CCL.
5. Learned counsel for the Petitioner submits Petitioner is languishing in jail custody since the date of his arrest, i.e.

11.11.2021. It is submitted that after completion of investigation, police has filed charge-sheet. It is submitted that the Petitioner/CCL has been falsely implicated in this case on the basis of the statement of the victim girl. Both the Petitioner and the victim girl were in love relation since long and they also married and leading a happy conjugal life as husband and wife. But due to silly domestic quarrel between them, this false case has been foisted against the Petitioner. It is also submitted that in the event of release he shall abide by the terms and conditions as fixed by this Hon'ble Court.

6. Learned counsel for the State on the other hand objects to the bail application of the Petitioner on the ground that the allegations made in the FIR are heinous in nature. He further submits that responsibility may be fixed on the parents of the Petitioner. It is further submitted that stringent conditions as provided under Section 12 of the J.J. Act may be imposed on the Petitioner in the event of release on bail.

7. Considering the submissions made and taking into consideration the facts and circumstances of the case and the surrounding circumstances and the fact that both the CCL and the victim girl were staying together for a period of four months and the Social Investigation Report of the CCL does not reflect any adverse remark on the behavior of the CCL, the Court is inclined release the Petitioner/CCL subject to the Parent's of the Petitioner/CCL furnishing a bail bond of Rs.20,000/- (Rupees Twenty thousand) with one solvent surety for the like amount, if desirable, one of the Parent will come forward and stand as surety to the satisfaction of the learned court in seisin of the matter. Further the parents of the

CCL shall ensure that the Petitioner shall stay away from the victim girl till she attains the age of major.

8. Learned court below is further directed to fix the terms and conditions keeping in view the welfare of the Petitioner/CCL. The Parents of the Petitioner/CCL shall also undertake that the Petitioner does not get involved in any criminal activities. The P.O. is also directed to visit the CCL and report to the court in seisin over the matter once in every month. Accordingly, the impugned order dated 09.12.2021, passed by the learned District & Sessions Judge, Bargarh, in Criminal Appeal No.14/2021 is set aside.

9. CRLREV is accordingly allowed.

10. Issue urgent certified copy of this order on proper application.

(A.K. Mohapatra)
Judge