

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.45 of 2022

Amit @ Mir Abdul Sofiyan *Petitioner*
Mr. S.N. Mishra-4, Advocate
-versus-
State of Odisha and another *Opposite Parties*
Mr. K.K. Nayak, ASC
Mr. Mihir Sahoo, Advocate for the informant

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
21.04.2022

Order No.
02

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Mr. Mihir Sahoo, learned counsel appearing for the informant in Court today and files Vakalatnama. The same is accepted and be kept on record.
3. Heard learned counsel for the Petitioner, learned counsel for the informant as well as learned counsel for the State.
4. The present revision application has been filed challenging the order dated 25.01.2022 passed by the learned Special Judge, Balasore in Special Case No.277 of 2019 corresponding to Balasore Town P.S. Case No.211 dated 12.09.2019 wherein the court below rejected the bail application of the appellant/CCL.
5. Learned counsel for the Petitioner submits that the Petitioner is a juvenile and he is languishing in jail custody since the date of his arrest, i.e. 13.09.2019. It is also submitted that police after

completion of investigation has filed charge-sheet and that the victim girl is aged about 16 years whereas the petitioner is aged about 17 years at the time of incident. He further submits that the victim has also been examined and the deposition of the victim recorded, which is on record under Annexure-5.

6. Further, learned counsel for the petitioner submits that the present case has been falsely foisted against the petitioner. Due to family disputes between the parties, the present false case has been made against the petitioner.

7. On perusal of Social Investigation Report, the following remarks have been given by the Probation Officer:-

“As per telephonic discussion with the staff of Observation home and CICL, I came to know that the behavior of CICL is normal and good inside the Observation home and he needs regular Counseling. The CICL has interested to continue his study and he was not involved in any criminal activities.”

8. Learned counsel for the State, on the other hand, submits that the Petitioner is 17 years child at the time of incident and the allegations made against the petitioner is serious in nature. In the event this Court is inclined to release the petitioner on bail, some stringent terms and conditions may be imposed on him.

9. Considering the fact that the accused petitioner is a minor and his behavior in the observation home is good as observed by the Probation Officer. Further keeping in view the provision of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, this Court is inclined to allow the Petitioner/CICL to go to the Safe Home and live with his family members subject to the Parent's

of the Petitioner/CICL furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one solvent surety for the like amount, if possible, one of the Parent will come forward and stand as surety to the satisfaction of the learned court in seisin of the matter.

10. Learned court below is directed to fix the other terms and conditions keeping in view the welfare of the Petitioner. It is open for the learned trial court to explore all possibilities for arranging maintenance for the victim. Further the trial court shall ensure that the Petitioner/CICL will be under the supervision of some agency and the Probation Officer and he shall make visit to the CICL once or twice in a month and submit a report to the court in seisin over the matter periodically.

11. With the aforesaid observation, the impugned order dated 25.01.2022 passed in Special Case No.277 of 2019 corresponding to Balasore Town P.S. Case No.211 dated 12.09.2019 is set aside.

12. The CRLREV is accordingly allowed.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge