

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.146 of 2022

Somya Ranjan Sahu

....

Petitioner

Ms. Susmita Pattnaik , Advocate

-versus-

State of Odisha

....

Opposite Parties

Mr. M.K.Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

04.05.2022

Order No.

02

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
3. The present revision has been filed challenging the order dated 11.03.2022 passed by the learned 1st Additional Sessions Jud-cum-P.O.-Children's Court, Balangir in Criminal Appeal No.10 of 2022 thereby dismissing the appeal and thereby confirming the order dated 04.03.2022 passed by the learned Principal Magistrate Juvenile Justice Board, Balangir in J.C.No.7 of 2022 refusing to grant bail to the Petitioner.
4. The brief facts of the case is that on 05.02.2022 at about 12.30 P.M. one Ramesh Muna son of Khadia Muna of village Ghagara alleging that he is working in ITBP since 2013. Someone has hacked his G-mail account and threatening him over phone vide Mobile No.63727411 and 6371573640 to viral his naked photos and data. The alleged accused is demanding money and the niece of the

informant to share bed with him at night otherwise he will stop the marriage of the informant and will take away the job of the informant by sharing private photos data to the higher authority of the complainant, who is mentally stressed.

5. It is submitted by the learned counsel for the Petitioner that the Petitioner is an innocent boy and he is having no criminal antecedent arrested on 09.02.2022. It is also submitted by the learned counsel for the Petitioner that the learned Children's Court has not appreciated the case properly and also not looked into the provisions of law at the time of conducting enquiry. It is further submitted on behalf of the learned counsel for the Petitioner that in the event he is allowed to remain any further in custody with others then certainly his future will be seriously affected. He also submits that the allegations made against the Petitioner appears to be false and concocted story. It is also submitted by the learned counsel for the Petitioner that since the Petitioner is juvenile, there is absolutely no apprehension of tampering with any prosecution evidence in case of his release on bail. Further since the Petitioner is having his family members and residential house, there is no chance of his absconding or avoiding trial of the case. Moreover, the Petitioner is ready and willing to abide by any terms and conditions and the father of the Petitioner, who is a daily labourer, will take care of the Petitioner in the vent he is directed to be released on bail. It is also submitted by the learned counsel for the Petitioner that the father, who has no criminal antecedent at any point of time undertakes to provide all sorts or responsibilities in the event the Petitioner is released on bail. The father of the Petitioner also undertakes not to allow the Petitioner to have any kind of contact in any manner with any other antisocial and he also take care of the Petitioner's education and other social status in the event he is released on bail and taking into account his

period of detention, he may be released on bail.

6. Learned Additional Standing Counsel for the State on the other hand submits that the nature of allegation against the CCL is very serious in nature and he further submits that in view of section 12 of the Juvenile Justice Act (Care and Protection of Children) Act, 2015 safety of the CCL is first priority. He further submits that the CCL may not be safe, if he is in jail and allow him to live in the locality. On such grounds learned counsel for the State objects the bail of the CCL.

7. It is not disputed that the CCL is not received proper care and from his family particularly his parents. Therefore, he needs counseling or supervision.

8. Considering the submissions made by learned counsel for the Petitioner, keeping in view the provisions under section 12 of the 2015 Act, the period of detention of the Petitioner in the Observation home and absence of any material that while on bail the Petitioner is likely to come in association with any known criminal or will be exposed to moral, physical or psychological danger or his release would defeat the ends of justice, I am inclined to release the Petitioner on bail.

9. Accordingly, the Petitioner is directed to be released on bail on his father or any family member executing personal bond for a sum of Rs.30,000/- (Rupees Thirty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned 1st Additional Sessions Judge-cum-P.O.-Children's Court, Balangir and also on filing an affidavit by such family members before the concerned Court to the effect that

- i) The Petitioner shall be responsible for the well being of the Petitioner.
- ii) he shall ensure that the Petitioner does not fall into bad

company; and

- iii) he shall ensure the presence of the Petitioner before the learned 1st Additional Sessions Judge-cum-Presiding Officer, Children's Court, Balangir on each date when the case would be posted for enquiry.

10. Further it is open for the Court in seisin of the matter to impose any other condition as would be deemed fit and proper.

11. With the observation, the impugned order dated 11.03.2022 passed by the learned 1st Additional Sessions Judge-cum-P.O.-Children's Court, Balangir in the aforesaid case is set aside.

12. The CRREV is accordingly allowed.

13. Issue urgent certified copy of this order as per Rules.

RKS

