

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.163 of 2022

Ashok Kumar Patra

..... Petitioner
Ms. B.K.Sahoo, Advocate

-versus-

State of Odisha

..... Opposite Parties
Mr. M.R.Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

23.06.2022

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 04.04.2022 passed by the learned Additional Sessions Judge-cum-(Children's Court) Nayagarh in Criminal Appeal No.06/04 of 2022 thereby dismissing the appeal and confirming the order dated 03.03.2022 passed by the learned Juvenile Justice Board, Nayagarh in JUV Case No.07 of 2022 refusing to grant bail to the Petitioner.
4. It is submitted by the learned counsel for the CCL that the CCL is a juvenile, aged about 16 years and he is in custody since 15.02.2022. It is further submitted by the learned counsel for the CCL that the CCL has been falsely implicated in the alleged crime and no way connected with the alleged crime. It is further submitted by the learned counsel for the CCL that due to previous enmity the

parents of the victim have foisted this false case against the CCL. Further it is submitted that the social investigation report submitted by the Child Protection Officer contains no adverse remarks against the present CCL and the CCL has no criminal antecedent. It is further submitted by the learned counsel for the CCL that the parents of the CCL shall abide by any terms and conditions that would be fixed by this Court and appear before the trial court on each and every date. Further there exists no danger to CCL, if he is released on bail and if he comes back to the society.

5. Learned Additional Standing Counsel on the other hand submits that the offence alleged is heinous in nature and if he is released on bail, there is every possibility that he may flee from justice and tamper the prosecution evidence. With the above submissions urges rejection of his bail application.

6. Having heard learned counsel for the parties and taking into consideration the social investigation report as well as the surrounding circumstances and the gravity of the offence as well as keeping in view the provisions of Section 12 of J.J. Act, the period of detention of the CCL in the Observation Home and absence of any material that while on bail the CCL 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 CCL on bail.

7. Accordingly, the CCL 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 out of which one of the parents shall stand as a surety to the satisfaction of the learned court in seisin over the matter and also on filing an affidavit by such family members before the concerned Court to the

effect that

- i) The parents shall be responsible for the well being of the CCL.
- ii) they shall ensure that the CCL does not fall into bad company; and
- iii) they shall ensure the presence of the Petitioner before the learned 1st Additional Sessions Judge-cum-, Children's Court, Nayagarh on each date when the case would be posted for enquiry.

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

9. With the aforesaid observation, the CRLREV is disposed of.

10. The CRREV is accordingly allowed.

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

RKS

