

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.165 of 2022

Siba Oram

.... ***Petitioner***
Mr. K.A. Guru, Advocate
-versus-

State of Odisha

.... ***Opposite Party***
Mr. K.K. Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

Order No.

ORDER
12.05.2022

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
- Learned counsel for the petitioner files a certified copy of the order of the learned court below in Court today. The same is accepted and be kept on record.
2. Heard learned counsel for the petitioner as well as learned counsel for the State.
3. The present revision application has been filed challenging the order dated 02.04.2022 passed by the learned Additional Sessions Judge-cum-Special Judge (Children's Court), Sambalpur in Criminal Appeal No.9 of 2022 arising out of J.G.R. Case No.342/19 of 2022 of P.M.J.J.B., Samblapur corresponding to Sasan P.S. Case No.30 of 2022 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. 01.02.2022. It is also submitted that police after completion of investigation has filed charge-sheet and that the petitioner was aged about 16 years at the time of incident.

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 was 16 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.20,000/- (rupees twenty thousand) with one solvent surety for the like amount, if possible, one of the Parent will come forward and stand as surety to

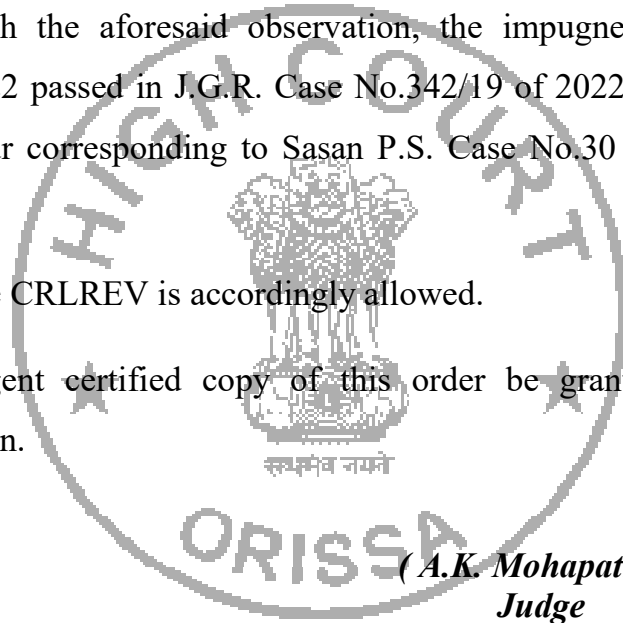
the satisfaction of the learned court in seisin of the matter.

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 02.04.2022 passed in J.G.R. Case No.342/19 of 2022 of P.M.J.J.B., Samblapur corresponding to Sasan P.S. Case No.30 of 2022 is set aside.

12. The CRLREV is accordingly allowed.

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



(A.K. Mohapatra)
Judge