

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No. 199 of 2022

Sipun Dhuri

.... Petitioner

Mr.D. Sahoo, Advocate

-versus-

1. State of Odisha

2. Liza Naik

.... Opp.Party

*Mr.Rajesh Tripathy
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
10.08.2022**

Order No.

03. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

None appears for the informant even though notice was made sufficient pursuant to the order dated 26.07.2022.

Heard learned counsel for the petitioner and learned counsel for the State.

This revision petition has been filed by the petitioner under section 401 of Cr.P.C. read with section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereafter 'J.J. Act') challenging the order dated 07.03.2022 passed by the learned 1st Additional Sessions Judge -cum- Presiding Officer,

Children Court, Baripada, in connection with Udala P.S. Case No.34 of 2022 corresponding to J.C. No.13 of 2022 pending before the learned Principal Magistrate, J.J.B., Mayurbhanj, Baripada in rejecting his bail application.

Learned counsel for the petitioner submitted that the petitioner is a young boy, aged about seventeen years and detained in observation home since 29.01.2022 and he has been charge sheeted under sections 363/366/417/376(2)(n)/376(3)/294/506/34 of the Indian Penal Code read with section 6 of the POCSO Act. Learned counsel for the petitioner further submitted that there is no material on record that the release of the petitioner is likely to bring him into association with any known criminal or he would be exposed to moral, physical or psychological danger or that his release would defeat the ends of justice and the learned Courts below should not have rejected the bail application of the petitioner particularly in view of section 12 of the J.J. Act. He further submitted that the petitioner may be enlarged on bail in the ends of justice.

Learned counsel for the State has produced the case diary also the social investigation report in which it is mentioned that there is no criminal antecedent against the petitioner.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioner, young age of the petitioner, his period of detention and keeping in view the the object of section 12 of the J.J. Act, absence of any

clinging material on record to show that the release of the petitioner is likely to bring him into association with any known criminal or be exposed to moral, physical or psychological danger or that his release would defeat the ends of justice, I am inclined to release of the petitioner on bail.

Let the petitioner be released on bail in the aforesaid case on such terms and conditions as the learned Board in seisin over the matter may deem just and proper with further conditions that:-

(i) one surety should be the family member of the petitioners,

(ii) his parent/guardian/close family member shall furnish an undertaking that the petitioner shall not be allowed to come in contact with any unsocial and criminal association and shall not be exposed to any moral, physical or psychological danger and further he shall ensure that the petitioner is not indulged in any criminal activities and he shall further ensure the presence of the petitioner during inquiry before the Board as and when required;

(iii) the District Probation Officer shall keep a close vigilance on the activities of the petitioner while on bail and regularly draw his social investigation report which shall be submitted to the Board on periodical basis as the Board chooses.

Accordingly, the CRLREV is allowed.

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

A free copy of the order be handed over to the learned counsel for the State which is to be forwarded to the District Probation Officer, Baripada for compliance.

(S.K. Sahoo)
Judge

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