

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No. 209 of 2022

Pramod Munda

.... Petitioner

Mr.P.S. Das, Advocate

-versus-

State of Odisha

.... 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 19.07.2022.

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 10.03.2022 passed by the learned Additional Sessions Judge -cum- Special Judge, Keonjhar in Special Case No.82/67 of 2019 in rejecting his bail application.

Learned counsel for the petitioner submitted that the petitioner is detained in the observation home since 26.06.2019 and he has been charge sheeted under section 376-D of the Indian Penal Code read with section 6 of the POCSO Act. It is submitted that in the meantime, the trial has commenced and the victim has been examined as P.W.1 in the learned trial Court and though she identified the petitioner in the T.I. parade but in the cross-examination, she has stated that she had no prior acquaintance with the CICTs and police had arrested the culprits and called her to police station, where police identified the culprits to her by saying that these persons have committed the offence and from Children Home police took her to Observation Home at Rourkela for T.I. parade and prior to the T.I. parade, the police had shown her the photographs of the CICTs and she identified those during the T.I. parade. It is contended by the learned counsel for the petitioner that in view of such evidence of the victim, the sanctity of the T.I. parade is lost and in view of the age of the petitioner and the fact that he has no criminal antecedent, unless he is released on bail, he will be seriously prejudiced.

Learned counsel for the State opposed the prayer for bail and placed the evidence of P.W.1 and also the Social Investigation report from which it appears that there is no criminal antecedent against the petitioner.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence

adduced by the victim in the learned trial Court, the period of detention of the petitioner in Observation Home, the age of the petitioner and the progress of the trial, 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 petitioner,

(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, Keonjhar for compliance.

(S.K. Sahoo)
Judge

P

