

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No. 611 of 2022

Sugriba Behera

....

Appellant

Mr.B.R. Tripathy, Advocate

-versus-

State of Odisha

....

Respondent

*Mr.Manoranjan Mishra,
Add. Standing Counsel*

CORAM:

JUSTICE S.K. SAHOO

ORDER

19.09.2022

Order No.

03.

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

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

This appeal has been filed by the appellant under section 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereafter 'J.J. Act') challenging the order dated 31.05.2022 passed by the learned Additional Sessions Judge -cum- Presiding Officer, Children's Court, Boudh, in connection with Harbhanga P.S. Case No.26 of 2021 corresponding to Special Case No.01 of 2022 (PCR) in rejecting his bail application.

Learned counsel for the appellant submitted that the appellant is the child in conflict with law (hereafter 'CICL') and he is detained in observation home since 15.03.202. He further submitted that the appellant is aged about seventeen years and he has been charge sheeted under section 376 of the Indian Penal Code read with sections 4 of POCSO Act.

Learned counsel for the State has placed the 164 Cr.P.C. statement of the victim girl from which it appears that her age was sixteen years. He also placed the social investigation report from which it appears that the appellant is having no criminal antecedent. However, it is mentioned that the impact of teenage love between the CICL and victim girl is the suggestive causes of the problem for the child to become conflict with law. It is further mentioned that both the child in conflict with law and the victim girl are having love affair with each other and it is assumed that there is a contributory negligence on the part of both children and both are equally responsible for the case and the Probation Officer has recommended that the appellant committed the act under the premature thinking being unaware about the consequence and under influences of adolescence and due to the present case, he did not appear +2 examination and he needs family care and guidance.

Considering the submissions made by the

learned counsel for the respective parties, the period of detention of the petitioner in observation home, the age of the appellant, the findings in the social investigation report and absence of any clinching material on record to show that the release of the appellant is likely to bring him in association with any known criminal or that he would 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 appellant on bail.

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

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

(ii) his parent/guardian/close family members shall furnish an undertaking that the appellant 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 appellant is not indulged in any criminal activities and he shall further ensure the presence of the appellant during trial as and when required;

(iii) the District Probation Officer shall keep a close vigilance on the activities of the appellant while

on bail and regularly draw his social investigation report which shall be submitted to the concerned Court on periodical basis as the Court directs.

Accordingly, the CRLA is allowed.

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

(S.K. Sahoo)
Judge

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