

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.655 of 2022

A Venugopal Swami* *Appellant

Mr.T.K. Mishra, Advocate

-versus-

State of Odisha* *Respondent

*Mr. Arupananda Das,
Addl. Government Advocate*

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

**ORDER
17.10.2022**

Order No.

11. 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 20.05.2021 passed by the learned Additional Sessions Judge -cum- Presiding Officer, Children's Court (I/C), Rayagada, in connection with Rayagada P.S. Case No.186 of 2019 corresponding to G.R.Case No.12(A) of 2019 pending in the said Court in rejecting his bail application.

Learned counsel for the appellant submitted that the appellant is a child in conflict with law (hereafter 'CICL') and he is detained in observation

home since 20.06.2019 and charge sheet has been submitted for commission of offences under sections 364/302/201/34 of the Indian Penal Code. Learned counsel for the petitioner further submitted that the petitioner is a Juvenile and in the meantime before the Juvenile Justice Board, ten witnesses have already been examined and none of them have stated anything against the appellant and the petitioner's implication is based on confessional statement of the co-accused Niranjana Bidika who has already been released on bail by this Court and the learned counsel for the appellant has filed the copy of the bail order. He further submitted that in view of the available material on record and the age of the petitioner, the bail application of the appellant may be favourably considered.

Learned counsel for the State after going through the evidence copy, fairly submitted that no witness has stated anything against the petitioner and however, he submitted that the total number of witnesses are fifteen and out of them, ten witnesses have been examined so far.

Considering the submissions made by the learned counsel for the respective parties, the age of the appellant, the nature of accusation against the appellant, his period of detention in observation home and the nature of evidence adduced so far in the

inquiry conducted by the juvenile Justice Board and absence of any clinching material on record, 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 member 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 of the case 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 the social investigation report which shall be submitted to the learned trial Court on periodical basis as the Court chooses.

Accordingly, the CRLA is allowed.

(S.K. Sahoo)
Judge

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