

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.423 of 2021

Samir Biswal @ Sameer

....

Petitioner

Mr.Parsuram Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M.K.Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

08.07.2022

Order No.

04

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
3. The present revision has been filed challenging the order dated 17.02.2022 passed by the learned Sessions Judge, Bargarh in Crl.Appeal No.05 of 2021 thereby dismissing the appeal and confirming the order dated 02.07.2021 passed by the learned Principal Magistrate Juvenile Justice Board, Bargarh in CT/JGR No.38 of 2021 refusing to grant bail to the CCL-Petitioner.
4. It is submitted by the learned counsel for the CCL that the CCL is in custody since 06.05.2021. In the meantime investigation is completed and charge sheet has been submitted. Referring to the statement of the victim recorded under section 164 Cr.P.C. who is aged about 16 plus and the CCL was staying in the house of the victim. Further the victim has stated that they fall in love and were staying as husband and wife together. However, the parents of the CCL came and took away CCL in the house of the victim as a result

of which a criminal case has been filed implicating the present CCL in the alleged crime.

5. Perused the social investigation report. There is no incriminating material against the CCL., rather the Protection Officer has recommended for release of the Petitioner. The present occurrence which arises out of a love affairs between two immature individuals. Both of them are minor and admittedly were in love particularly in view of the statement of the girl recorded under section 164 Cr.P.C. that she has love with the CCL and has sexual relationship with the CCL on her own volition without any objection. Further, on scrutiny of the medical examination report of the victim, it is found that there is no sign or symptom of recent sexual intercourse. In such view of the matter, learned counsel for the CCL submits that the CCL be released on bail.

6. Learned Additional Standing Counsel for the State opposes the bail on the ground that in the event the CCL is released on bail, there is possibility of coming in contact with the criminals and terrorise the victim girl. In such view of the matter learned Additional Standing Counsel submits that the bail of the CCL be rejected at this juncture.

7. Considering the submissions made by the learned counsel for the respective parties and upon perusal of the materials placed before the Court and further taking into consideration all the facts and circumstances of the present case and taking into consideration the period of detention of the CCL in custody as well as keeping in view the provisions of Section 12 of J.J.Act, this court is inclined to release the CCL on bail subject to the parents of the CCL furnishing a bail bond of Rs.20,000/- (Rupees Twenty thousand) with one surety for the like amount to the satisfaction of the Court in seisin over the matter. Further the release of the CCL subject to such terms and

conditions as would be deemed fit and proper by the court in seisin over the matter. While fixing terms and condition shall also impose the condition whereby the CCL appear before the Child Protection Officer once in a month and a report in that regard be forwarded to the concerned PMJJB.

8. With the aforesaid observation, the impugned order dated 14.09.2021 passed by the learned Sessions Judge, Bargarh in the aforesaid case is set aside.

9. The CRREV is accordingly allowed.

10. Issue urgent certified copy of this order as per Rules.

RKS

