

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.461 of 2021

Sanas Nayak

....

Petitioner

Mr.Jyotirmaya Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Nayak, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

17.03.2022

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 counsel for the State.
3. The present revision application has been filed challenging the order dated 11.10.2021 passed by the P.M., JJB, Paralakhemundi, in JR No.30 of 2021 and the order dated 29.10.2021, passed by the learned Children's Court-cum-Special Judge-cum- Addl. Sessions Judge, Paralakhemundi in Crl. Appeal No.11 of 2021, corresponding to J.R. Case No.30 of 2021, arising out of Mohana P.S. Case No.178 of 2021, thereby rejecting the bail application of the Petitioner.
4. Learned counsel for the Petitioner submits that the Petitioner is languishing in jail custody since the date of his arrest, i.e. 21.09.2021. It is also submitted that police after completion of investigation has filed charge-sheet and that the victim girl is a major girl aged about 23 years whereas the Petitioner is aged about

16 years. He further submits that the relationship had developed with the consent of the victim girl, which was going on for quite some time. On perusal of Social Investigation Report, the following remarks have been given by the Probation Officer:-

“As per telephonic discussion with the staff of Observation home and CICL, I came to know that the behavior of CICL is normal and good inside the Observation home and he needs regular Counseling. The CICL has interested to continue his study and he was not involved in any criminal activities.”

5. Learned counsel for the State submits that the Petitioner is a 16 years child. In the meantime, the victim girl has given birth to a child. Therefore, he submits that necessary arrangement may be made for the future of the child and in the event this Court is inclined to release the Petitioner on bail, stringent conditions may be imposed on him.

6. Considering the fact that the accused Petitioner is a minor and his behavior in the observation home is good as observed by the Probation Officer. Further keeping in view the provision of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, this Court is inclined to allow the Petitioner/CICL to go to the Safe Home and live with his family members subject to the Parent's of the Petitioner/CICL furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with one solvent surety for the like amount, if possible, one of the Parent will come forward and stand as surety to the satisfaction of the learned court in seisin of the matter.

7. Learned court below is directed to fix the other terms and conditions keeping in view the welfare of the Petitioner as well as the child, given birth to by the victim. It is open for the learned trial

court to explore all possibilities for arranging maintenance for the child of the victim. Further the trial court shall ensure that the Petitioner/CICL will be under the supervision of some agency and the Probation Officer and he shall make visit to the CICL once or twice in a month and submit a report to the court in seisin over the matter periodically.

8. With the aforesaid observation, the impugned order dated 11.10.2021, passed by the P.M., JJB, Paralakhakundi, in JR No.30 of 2021 is set aside.

9. CRLREV is accordingly allowed.

10. Issue urgent certified copy of this order on proper application.

