IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV NO.306 of 2026

(An application U/S. 438/442 of BNSS, 2023 r/w Sec. 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

Bablu Dehury @ Ula *....* ***Petitioner***

-versus-

State of Odisha *....* ***Opposite Party***

For Petitioner : ***Mr. Mr. S. Dwibedi, Advocate***

For Opposite Party : ***Mr. P. Satpathy, Addl. PP***

CORAM:

JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:27.07.2026 (ORAL)

G. Satapathy, J.

1. This criminal revision U/S. 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (in short "the Act") is directed against the impugned order dated 11.03.2026 passed by the learned 1st Addl. Sessions Judge-cum-PO, Children's Court, Baripada, in Juvenile Criminal Appeal No. 05 of 2026 confirming the order passed by the learned PMJJB, Baripada in JC Case No. 17 of 2026 arising out

of Badsahi PS Case No. 225 of 2025 refusing to grant bail to the revision-petitioner who is child in conflict with law(CICL) for commission of offence punishable U/Ss. 103(1)/3(5) of BNS, on the main allegation of assaulting one Karu Marandi, along with co-accused persons resulting in death of such Karu Marandi while undergoing treatment after some days of the occurrence.

2. Heard, Mr. Suryakanta Dwibei, learned counsel for the revision-petitioner and Mr.P. Satpathy, learned Addl. PP and perused the record together with SIR of the CICL as provided.

3. It is no more res integra that bail to the CICL is the rule, but his detention in observation home/place of safety is an exception and the proviso to Sec. 12 of the Act prescribes that the CICL shall not be enlarged on bail, if there appears reasonable grounds for believing that release of CICL is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger

or his release would defeat the ends of justice. On a careful scrutiny of the SIR, it appears that the CICL has no criminal background and he is a +2 student, but he wants to continue his study and the CICL and his family members are under the fear and mental stress due to the allegation, however, the learned PO Children's Court has taken into consideration the observation of the JJB (Board) that release of the CICL at this juncture would put his personal life and safety in danger and it would not serve the ends of justice, however, what are the circumstance which would put the personal life and safety of the CICL in danger has not been disclosed or discussed in the impugned order. The learned PO Children's Court has also observed that the circumstances of the case do not rule out the possibility of the CICL coming into association with undesirable elements if released on bail, but there is hardly any discussion with regard to the same. Merely mentioning or quoting some words of a provision is not sufficient to deny bail to a CICL

which is to be considered in the light of the factors prevailing around him, but there is hardly any such factors prevailing to refuse bail to the CICL. It, however, appears to the Court that the said Court has taken into consideration the matter on merits and swayed away by the gravity of the offence, no matter the said Court has stated at Paragraph-6 that gravity of the offence cannot be the sole ground for denial of bail to a juvenile. The record reveals omnibus allegation against the CICL. Besides, no specific ground in terms of proviso to Sec. 12 of the Act has been taken into consideration to refuse bail to the CICL.

4. In the aforesaid facts and situation and taking into account the materials so placed on record and in absence of any materials contrary to the guiding factors as provided in Sec. 12 of the Act for release of the CICL on bail, this Court considers that the interest of justice would be best served, if the CICL is released on bail.

5. In the result, the criminal revision stands allowed and the impugned order is hereby set aside, so also the order passed by the learned PMJJB, Baripada in JC Case No. 17 of 2026 arising out of Badsahi PS Case No. 225 of 2025 refusing to grant bail to the CICL. Consequently, the revision-petitioner-cum-CICL be admitted to bail by the forum/Court in seisin over the matter on such terms and conditions as deems fit and proper.

(G. Satapathy)
Judge

Orissa High Court, Cuttack,
Dated the 27th July, 2026/Kishore

Signature Not Verified
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Reason: Authentication
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