
(2025) 10 OH CK 0030

Orissa HC

Case No: Criminal Revision Petition No. 354 Of 2025

Badal Bindhani

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision: Oct. 27, 2025

Acts Referred:

- Juvenile Justice (Care And Protection Of Children) Act, 2015 — Section 102
- Protection Of Children From Sexual Offences Act, 2012 — Section 6, 12
- Bharatiya Nyaya Sanhita, 2023 — Section 64(2), 87(2), 137(2)

Hon'ble Judges: G. Satapathy, J

Bench: Single Bench

Advocate: A.Mishra, R.B.Mishra

Final Decision: Disposed Of

Judgement

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 28.05.2025 passed by the learned Addl. Sessions Judge-cum-PO, Children's Court, Keonjhar in Criminal Appeal No. 07 of 2025 confirming the order dated 18.04.2025 passed by the learned Principal Magistrate, Juvenile Justice Board, Keonjhar in JJC Case No. 32 of 2025 arising out of Town PS Case No. 193 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. 137(2)/87/64(2)(m) of BNS & Sec. 6 of POCSO Act, on the main allegation of committing rape and penetrative sexual assault upon the victim.

2. Heard, Mr. Arijeet Mishra, learned counsel for the revision-petitioner and Mr.R.B.Mishra, learned Addl. PP and perused the record. None appears for the victim despite being duly informed as apprised by the learned Addl. PP.

3. Although this Court has called for the Social Investigation Report of the CICL, but that is yet to be submitted and only Social Background Report of the CICL has been submitted. It appears that the concerned officer is careless and negligent since the order was passed on 31.07.2025 for submission of SIR and SBR, but the SIR is yet to be submitted. This Court, therefore, is constrained to pass this order in absence of SIR because bail to child-in-conflict with law is the rule, but its detention is an exception. On

careful scrutiny of the impugned orders passed by the Board in original case and the PO, Children's Court in Appeal, it appears that bail has been refused to the CICL on the ground that his release would defeat the ends of justice, but fact remains that there is no discussion as to how the release of the CICL would defeat the ends of justice, more particularly when it is stated by the Board that the CICL had developed intimacy with the victim. Sec.12 of the Act mandates release of the CICL on bail, but its proviso carves out an exception for grounds to refuse bail to the CICL. In this case, the impugned order does not reveal about refusal of bail to the CICL on the ground that there are reasonable grounds for believing that release of the CICL would bring him into association with any known criminal or expose him to moral, physical or psychological danger. However, the allegation on record reveals teen age infatuation, but granting bail to CICL in this case can never be considered about misplaced sympathy, more particularly when he is detained in Observation Home since 13.04.2025 with submission of charge sheet in the meantime. In view of the aforesaid facts and taking into consideration the materials placed on record and the rule being for release of the CICL on bail, this Court considers it proper to admit the CICL to bail.

4. In the result, the criminal revision stands allowed on contest, but in the circumstance, there is no order as to cost. Consequently, the impugned order passed by the learned Addl. Sessions Judge- cum-PO, Children's Court, Keonjhar is hereby set aside, so also the order passed the learned Principal Magistrate, Juvenile Justice Board, Keonjhar in JJC Case No. 32 of 2025 arising out of Town PS Case No. 193 of 2025 in refusing bail to the CICL. As a necessary corollary, 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.

5. Accordingly, the CRLREV stands disposed of.