
(2026) 08 OHC CK 1552
In the Orissa High Court, Cuttack Bench
Case No : CRLREV NO.450 of 2026

Jiban Sethi

APPELLANT

Vs

State Of Odisha & Anr.

RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

BNSS, 2023-U/Ss. 397/401
Juvenile Justice (Care and Protection of Children) Act, 2015-Sec. 102
BNS-U/Ss. 64(2)(m)/318(4)/89
IT Act-Sec. 67
POCSO Act — Section 6

Citation : (2026) 08 OHC CK 1552

Hon'ble Judges : G. Satapathy, J

Bench : Single Bench

Advocate : Mr. J.K. Panda, Mr. Jugala Kishore Panda, Mr. T.K.Acharya

Final Decision : Allowed

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 06.05.2026 passed by the learned 2ndAddl. Sessions Judge, Berhampur, in Criminal Appeal No. 09 of 2026 confirming the order passed by the learned PM Addl. JJB, Chatrapur in JGR Case No. 27 of 2026 arising out of Jagannathprasad PS Case No. 85 of 2026 refusing to grant bail to the revision-petitioner who is child in conflict with law(CICL) for commission of offence punishable U/Ss. 64(2)(m)/318(4)/89 of BNS r/w Sec. 67 of the IT Act and Section 6 of POCSO Act, on the main allegation of kidnapping the victim and committing rape and aggravated penetrative sexual assault upon her by deceiving the victim giving false promise of marriage.

2. The revision petitioner is represented by his father in this revision. Heard, Mr. Jugala Kishore Panda, learned counsel for the revision-petitioner and

Mr.T.K.Acharya, learned Addl. PP, and perused the record, but none appears for the victim despite being duly intimated as apprised by learned Addl. PP.

3. Bail to the juvenile is the rule, but detention in place of safety or observation home is an exception. Bail to the juvenile can only be refused, if there are reasonable grounds for believing that the release of CICAL would 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, but the materials on record do not disclose about such factor to be existing against the appellant to refuse bail. Besides, it appears that the victim and the CICAL had intimate friendship. In such view of the matter and taking into account the detention of the CICAL in observation home since 06.03.2026 and there being no criminal antecedent reported against the Petitioner, this Court without expressing any view on merits, considers it proper to admit the Petitioner to bail.

4. 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, Bhadrak in JGR Case No. 27 of 2026 arising out of Jagannathprasad PS Case No. 85 of 2026. Consequently, the revision-petitioner-cum-CICAL be admitted to bail by the forum/ Court in seisin over the matter on such terms and conditions as deems fit and proper with following conditions:-

(i) the father of the CICAL shall ensure that the CICAL shall not contact the victim or visit her house or place of residence or he shall not follow the victim or loiter in and around her at any place,

(ii) The father of the petitioner shall ensure that the petitioner shall not threaten, induce, influence or coerce any of the witnesses including the family members of the victim acquainted with the facts of the case so as to dissuade them from disclosing such facts before the Court.

5. Issue urgent certified copy of the order as per Rules. A soft copy of this order be immediately communicated to the concerned Court, who shall afterwards communicate the same to the concerned Jail through e-mail for reference.