

(2025) 05 OHC CK 1246

In the Orissa High Court

Case No : Criminal Appeal No.465 Of 2025

Sudhanshu Debata @ Sudhanshu Sekhar Debata

APPELLANT

Vs

State Of Odisha Vs

RESPONDENT

Date of Decision : 02-05-2025

Acts Referred:

Bharatiya Nagarika Suraksha Sanhita, 2023 — Section 413
Juvenile Justice (Care and Protection of Children) Act, 2015 — Section 12, 101(5)

Citation : (2025) 05 OHC CK 1246

Hon'ble Judges : G. Satapathy, J

Bench : Single Bench

Advocate : R.K. Mahapatra, M.K. Mohanty

Final Decision : Allowed

Judgement

G. Satapathy, J.

1. This is an appeal against the impugned order dated 27.03.2025 passed by the learned Presiding Officer, Children's Court-Cum-Additional Sessions Judge, Angul in CT(S) Case No.21 of 2025 refusing to grant bail to the appellant-CICL in an application U/S.12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (in short, "the Act").

2. Heard, Mr. Rajesh Kumar Mahapatra, learned counsel for the appellant and Mr. M.K. Mohanty, learned Additional Public Prosecutor in the matter and perused the record. At the outset, Mr. Mahapatra supplies the photocopy of the Post Mortem Report of the deceased.

3. It is found from the record that an FIR has been lodged by one Md. Sarbare Alam against the appellant and others for a matter relating to assault on the deceased on the night before lodging of FIR, resulting in death of the deceased. It is, accordingly, alleged that due to a petty motor cycle accident involving the informant and deceased on one side and the petitioner and two others on other side, the petitioner and others had assaulted the deceased by giving fist and kick

blows on 07.02.2025 at about 8 PM, but the deceased came to his house and slept and on the next date, he was found dead in his house as per the version of the informant and, thereafter, the appellant and others were apprehended and the appellant has been kept in observation home, whereas the adult accused have been sent to the jail. On the aforesaid background, when the appellant has moved an application before the learned PO, Children's Court for grant of bail, which came to be rejected eventually leading of filing of this revision by the appellant-CICL.

4. True it is that bail to CICL can only be refused in the event there exists grounds for believing that the release of the CICL would bring him into association with any known criminal or expose him to moral, physical and psychological danger or his release would defeat ends of justice, which is the mandate of the proviso appended to Section 12 of the Act. On perusal of the SIR which has been made available to the Court by the appellant-CICL, it appears that the occurrence had taken place due to tussle between the deceased and informant on one side and the group of appellant-CICL and some others and it also discloses that the appellant-CICL was present at the spot. It is, however, observed by the learned Children's Court that as per the clinical report, the appellant-CICL has mental capacity to understand the consequence of the act done by him, but it is a fact that the appellant-CICL is a student. Right now after due investigation, charge-sheet has been submitted in this case. Further, the Legal-Cum-Probation Officer (LPO) in the SIR has stated that emotionally the appellant-CICL is sound and having cordial relationship with his family members and he obeys his parents, other members of the family and also shows affection to her younger cousin and the occurrence took place between the appellant-CICL and other side due to sudden quarrel between the deceased and adult accused Anubhav Debata and the appellant-CICL has no past criminal antecedent or record and there is nothing adverse against the appellant-CICL.

5. In view of the above facts and after having considered the rival submissions and on going through the allegation as well as the provisions of Section 12 of the Act and taking into account the cause of death of the deceased as opined by the Doctor in the Post Mortem Report and keeping in view the detention of the appellant-CICL in the observation home with submission of charge-sheet together with the consideration of SIR, it would be just and proper to admit the appellant-CICL to bail.

6. In the result, the criminal appeal stands allowed on contest, but in the circumstance, there is no order as to costs. Consequently, the impugned order dated 27.03.2025 passed by the learned Presiding Officer, Children's Court-Cum-Additional Sessions Judge, Angul in CT(S) Case No.21 of 2025 is, hereby, set aside and the appellant-CICL be admitted to bail on such terms and conditions as deems fit and proper by the learned Court in seisin over the matter.

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