



THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No. 524 of 2026

CNR No. ODHC010449192026

(In the matter of application under Section 101(5) of Juvenile Justice (Care and Protection of Children), 2015).

Babu @ Sushanta Dash ... ***Appellant***

-versus-

State of Odisha ... ***Respondents***

For Petitioner : ***Mr. K. Mohanty, Advocate***

For Opposite Party : ***Mr. T.K. Acharya, Addl. PP***
Mr. A.R. Panda, Advocate
(informant)

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING & DATE OF JUDGMENT: 09.09.2026 (ORAL)

G. Satapathy, J.

1. This Criminal Appeal U/S.101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (in short "the Act") is directed against the impugned order dated 10.06.2026 passed by the learned P.O. Children's Court, Balasore in Special (CICL) Case No.95 of 2026 arising out of Balasore Town P.S. Case No. 95 of 2026 refusing to grant bail to the appellant-cum-CICL being represented by his father in this Appeal for commission of offences punishable U/Ss. 126(2)/ 118(2)/ 109(1)/



3(5) of the BNS, which subsequently turned to offences U/S. 103(1)/3(5) of BNS, on the main allegation of committing murder of Suraj Singh @ Babu, along with Co-CICL and adult accused person in furtherance of their common intention.

2. Heard, Mr. Kuldeep Mohanty, learned counsel for the appellant-CICL, Mr. T.K. Acharya, learned Addl. PP in the matter and Mr. Amulya Ratna Panda, learned counsel for the informant and perused the record.

3. After having considered the rival submission upon perusal of record, there appears no dispute about the provision of law that bail can only be refused to the CICL, if there exists reasonable grounds for believing that the release of the 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. No doubt, the learned counsel for the informant and the learned State Counsel have vociferously argued by placing reliance on the SIR to suggest that the appellant-CICL is already in bad association and thereby, he is not entitled to bail in



terms of the proviso to Sec.12 of the Act, but facts remains that the deceased was allegedly done to death by the conjoint assault of Group of CICLs & adult accused person and the fatal blow is allegedly given to the deceased by the adult accused Chhotu @ Khitish Kumar Das, who was allegedly called to the scene of occurrence by another CICL (name withheld), but there is no role of the present CICL to call the adult accused person to the spot.

4. Besides, the SIR of present CICL reveals the cause of the incident to be peer group influence on the present CICL, but even if, the SIR discloses the suggestive cause of the issue to be on account of bad association of the CICL, but what was the bad association has not been clarified in the SIR of the CICL, rather it is found from the analysis of the case in the SIR of the CICL that on the day of Holi, the CICL and his friends were going on a bike speedily and the deceased told them as to why they were going on high speed and thereby, there was a quarrel between the group of CICLs & the deceased, and thereafter, the adult accused being



called by another CICL reached at the spot and thereby, the alleged occurrence took place. The SIR of the CICL, however, reveals that the father of the CICL is a tea seller and mother is a house wife and the behavior of the CICL towards the staff of place of safety/ detention home at Rourkela appears to be good and he is obedient and there is not report of any criminal offence against the CICL and the character of the CICL appears to be good. Lastly, it is suggested in the SIR that the proper counselling to the CICL by his parents and professional counselor may improve his condition.

5. The CICL in this case is in detention home/ place of safety since 06.03.2026 and in the meantime, trial has not commenced and the certified copy of the preliminary assessment report as produced for the CICL reveals recommendation that if the CICL wants to continue his study, he should be encouraged to go for schooling or vocational training and the child knowledge as to the consequence of the alleged incident has been described in the assessment report to the effect that the CICL although understands the consequence of the



crime, but as per CICL, he was just with his friends and not involved in the crime. It is further stated therein that the CICL understands that the crime causes loss of social respect in society and would hurt his family's reputation and he knows the specific legal punishment and how the Court system works and the CICL was very cooperative and showed no signs of aggression and he displayed deep emotional distress while discussing his life as per the clinical psychologist, who prepared the preliminary assessment report.

5. In the aforesaid premises and on consideration of materials placed on record together with the suggestive causes of the crime and the role as alleged against the CICL, this Court hardly finds any reason to deprive the CICL from securing his liberty. Accordingly, the CICL deserves to be admitted to bail in conformity with Sec.12 of the Act.

6. In the result, the Criminal Appeal stands allowed and accordingly, the impugned order is, hereby, set aside. Ergo, the appellant-CICL be released on bail on such terms and conditions **except cash surety** as



deems fit and proper by the learned Board/ Court in seisin over the matter with following condition:-

(i) the father of the CICL shall ensure that the CICL shall not mingle with any known criminal.

7. Accordingly, the Criminal Appeal stands disposed of. 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.

(G. Satapathy)
Judge

*Orissa High Court, Cuttack,
Dated the 9th day of September, 2026/S.Sasmal*

Signature Not Verified

Digitally Signed
Signed by: SUBHASHMITA SASMAL
Designation: Sr. Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 09-Sep-2026 19:44:58



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