IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLREV No.512 of 2026
CNR No. ODHC010579392026

Jaydev Pattnaik **.....** ***Petitioner***

Represented by Adv. -
Soubhagya Kumar Dash

-versus-

STATE OF ODISHA **.....** ***Opposite Party***

Represented by Adv. –
Mr. D.K. Sahoo, AGA

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA
ORDER
30.10.2026

Order No.

06. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. By filing the present revision petition under section 102 of the Juvenile Justice (Care and protection of Children) Act, 2015, the accused-Petitioner has approached this Court for his release on bail by setting aside the impugned judgment dated 20.07.2026 passed in Criminal Appeal No.1 of 2026 by the learned Additional District and Sessions Judge –cum- Children Court, Paralakhemundi.

3. Heard learned counsel for the Petitioner as well as learned counsel for the State. Perused the Case Diary as well as the other relevant materials on record in course of the hearing of the present bail application.

4. Learned counsel for the petitioner at the outset contended that the Petitioner, who is a juvenile, was aged about sixteen years at the time of commission of the offence. He further submitted that the Petitioner is seeking his release on bail by setting aside the impugned order dated 20.07.2026, at Annexure-2, arising out of Paralakhemundi P.S. Case No.249 of 2026 which corresponds to J.R. Case No.08 of 2026 pending in the file of learned Principal Magistrate, Juvenile Justice Board, Gajapati at Paralakhemundi which has been registered for commission of an offence punishable under Sections 64(2)(i)(m), 65(1) of the BNS read with Section 6 of the POCSO Act further read with section 67(A) of the I.T. Act.

5. As per the prosecution allegation the Child in Conflict with the Law (CICL) and the victim were studying at the C.M. School and were friends. While the victim was in Class-IX, the FIR was lodged on 22.06.2026 inter alia alleging that the paternal uncle of the victim received nude photographs of the victim on his mobile phone, the Petitioner who is a juvenile is prosecuting his studies in 3rd year diploma course in Electronic and Telecommunication Engineering in Government Polytechnic College, Paralakhemundi. On the basis of the aforesaid allegation the abovenoted case was registered. After conclusion of the investigation, the final charge-sheet has been filed by the I.O. under the aforesaid sections.

6. Learned counsel for the Petitioner at the outset contended that the Petitioner has been falsely implicated in the present case.

He further submitted that the Petitioner is a 3rd year student, prosecuting his studies at a Government Polytechnic College at Paralakhemundi. He further contended that any further detention of the Petitioner in the observation home would ruin his career and future. He further contended that the Petitioner belongs to an affluent family and that the family would take care of the Petitioner in the event the Petitioner is released on bail subject to any stringent terms and conditions as would be deemed appropriate by this Court. Learned counsel for the petitioner further contended that in the event the CICL is detained any further at observation home, the same might negatively affect his mental development and have adverse impact on his future career. In such view of the matter, learned counsel for the Petitioner drawing attention of this Court to the provision contained in Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, (hereinafter the "J.J. Act") submitted before this Court that the Petitioner be enlarged on bail on certain stringent terms and conditions.

7. Learned counsel for the State, on the other hand, objected to the release of the Petitioner on bail on the ground of gravity and seriousness of the allegation. Further, referring to the offences alleged, learned counsel for the State submitted that in a case of this nature, the Petitioner should not be enlarged on bail merely by relying upon provision contained under Section 12 of the J.J. Act. He further submitted that in the event the petitioner is released on bail there is every likelihood that he might harass

and/or threaten the victim and her family members.

8. On perusal on record it appears that pursuant to the notice the victim appeared before this Court through virtual mode and objected to the release the Petitioner on bail. The victim expressed her apprehension that in the event the CICL is released on bail there is every likelihood that he might again damage the image of the victim and make every endeavour to defame the victim and her family members. On such ground the Informant-victim objected to the release of the Petitioner on bail at this juncture.

9. Perused the statement of the victim recorded under Section 183 of the BNSS, which is part of the case diary. On perusal of such statement, this Court found that the victim has herself stated that she was a student of Class-IX and that the Petitioner, who happens to be two years senior to the victim, and was studying in the same school, tried to follow the victim, the victim was compelled by the Petitioner to talk to the Petitioner. Furthermore, the victim was threatened by the Petitioner to come to his residence on 22.04.2025 and, it was under such threat that the victim reached the house of the Petitioner. Once there, the victim was administered sedatives mixed with cold drink, after which the victim lost her senses and found that she has been ravished by the Petitioner and that the Petitioner has taken some obscene photographs of the victim. Later, showing the obscene photographs, the Petitioner threatened the victim that unless she kept physical relationship with the Petitioner, he would circulate

those obscene photographs of the victim on social media. Thereafter, the Petitioner-CICL has circulated nude obscene photographs of the victim on social media.

10. On perusal of the statement of the victim as well as the other materials on record, this Court is of the considered view that the allegation made by the victim is grave in nature. However it is not disputed that the Petitioner-CICL is a juvenile, therefore the case is to be considered keeping in view the provision contained in Section 12 of the J.J. Act. It is further stated by learned counsel for the Petitioner that the Petitioner is languishing in custody since 22.06.2026 and that in the meantime the investigation has been concluded the and final charge-sheet has been filed.

11. Pursuant to the order passed by this Court, learned counsel for the State produced a copy of the 'Social Investigation Report' prepared by the Child Welfare Officer. On perusal of the Social Investigation Report it appears that the age of the victim is 17 years. Further, the Child Welfare Officer in his report has stated that, on inquiry, he found that the victim and the Petitioner were in a consensual love relationship and had physical relationship also. The CICL has also stated before the CWO that he had taken some photographs of the victim which was stored in his mobile phone. However, on one occasion one of his friends borrowed the mobile phone of the CICL and, while the CICL was away for about ten minutes, the friend of the CICL secretly transferred the pictures of the victim to his own mobile

phone without the knowledge and consent of the CICL and circulated the same to others, which eventually resulted in the photo being circulated on social medial platforms.

12. With regard to the conduct and behaviour of the CICL the CWO has stated that he is presently pursuing 3rd year diploma in Electronic and Telecommunication (UTC) Engineering at Government Polytechnic College, Paralakhemundi. Further the CICL has expressed his wish to complete his studies and pursue higher technical education and to secure suitable employment for his better future. Under the heading of 'Recommendation' the CWO has recorded his observation that the CICL was remorseful and expressed his willingness to continue his education and lead a responsible life. It has also been stated that though the family of the Petitioner is poor, they have a respectable standing in the locality and that the CICL has committed the crime under the influence of the peer circle. Further taking into consideration the educational background and in the absence of any previous negative incident it has been recommended that the CICL be provided with regular counselling, parental guidance and educational support for his reintegration into the mainstream society. Accordingly, a prayer was made before the PM, JJB to consider the case of the CICL sympathetically, keeping in view his welfare, rehabilitation, education and future.

13. Having regard to the submissions made by learned counsels appearing for the respective Parties and on a careful

examination of the materials on record, further taking note of the period of detention as well as the fact that the investigation has been concluded and final charge-sheet has been filed and further on a careful reading of the social investigation report submitted by the CWO and keeping in view the provision contained in Section 12 of the J.J. Act, this Court is of the considered view that another opportunity be provided to the CICL and an attempt be made to reintegrate him into the society at large for a better and bright future of CICL. In such view of the matter, this Court is inclined to release the CICL on bail subject to imposition of stringent conditions.

14. Accordingly, it is directed that let the CICL be released on bail in the aforesaid case on furnishing a bail bond of Rs.30,000/- (Rupees Thirty thousand) with two solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter. One of the surety shall be either of the parents of the Petitioner or a near and close relatives, the parents of the CICL shall also furnish an undertaking before the Court in seisin over the matter to the effect that they will take care of the CICL and provide him proper counselling and parental guidance. The CICL shall appear before the Probation Officer once in a month and the report of the Probation Officer be forwarded to the concerned Court. In addition to the above, it is open to the Court in seisin over the matter to impose any other additional condition, keeping in view the safety and welfare of the CICL and in terms of Section 12 of the J.J. Act.

15. With the aforesaid observation, the CRLREV stands disposed of.

(A.K. Mohapatra)
Judge

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