IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLREV No.790 of 2025
CNR No. ODHC010734912025

Subham Behera & Ors. ..... ***Petitioners***

Represented by Adv. - Jyotirmaya Sahoo, Sujit Kumar Pattnaik, Santosh Kumar Mahanty

-versus-

State Of Odisha & Anr. ..... ***Opposite Parties***

Represented by Adv. - P.Satpathy, A.S.C.

CORAM:
HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
05.11.2026

Order No.

02. 1. This matter is taken up through Hybrid Mode.

2. Heard learned counsel for the Petitioners as well as learned counsel for the State. Perused the Revision Petition filed under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 as well as the prayer made therein.

3. By filing the abovenoted revision petition, the CICLs seek to challenge an impugned rejection order dated 27.09.2025 at Annexure-1 passed by the learned 2nd Additional Sessions Judge, Berhampur-cum-Children's Court in JGR Case No.57 of 2025.

4. As per the prosecution allegation, the victim/informant, who is a woman aged about 32 years old, lodged an FIR before the Ganjam PS on 02.07.2025 at about 10 PM, inter alia, alleging that

the CICLs along with two major assailants assaulted her and one of his relatives, namely, Bhima Tarai by sharp weapon. They also abused the informant by casting aspersion on her caste. As a result of such assault by the accused person and the CICLs (the present Petitioners), the victim sustained severe injuries. On the basis of the aforesaid allegation, the Ganjam PS Case No.209 dated 02.07.2025 was registered for commission of offences punishable under Sections 109, 115(2), 117(2), 118(1), 118(2), 126(2), 296, 351(2)(3), 3(5) of BNS read with Sections 3(1)(r)(s)/ 3(2)(va) of the SC & ST (POA) Act.

5. Learned counsel for the Petitioners, at the outset, contended that challenging the impugned order dated 27.09.2025 at Annexure-1, the Petitioners-CICLs have approached this Court by filing the abovenoted revision petition. He further contended that the FIR does not reveal any specific allegation against any of the CICLs, with regard to the alleged assault. He further submitted that in view of the provision contained in Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the CICLs are entitled to be released on bail irrespective of the nature and gravity of the allegation. It was argued by learned counsel for the Petitioners that in a matter involving the Juveniles, bail is the rule and refusal of such bail is an exception.

6. Learned counsel for the Petitioners further contended that the CICLs are languishing in custody of the observation home since 02.07.2025. He further contended that the alleged occurrence took place as a result of a dispute between two groups of villagers and that the CICLs were dragged into such dispute without any rhyme or reason. He further asserted that there is no specific allegation of

assault against any of the CICLs. Learned counsel for the Petitioners further contended that though there are two injured persons, with one sustaining three injuries, including one grievous and the other, sustaining eight injuries, including three grievous injuries, have been discharged from the hospital after their preliminary treatment and they are now hale & hearty and moving around in the locality. He further submitted that taking into consideration the duration of stay of the CICLs in the observation home and several reformative measures taken during their stay at the observation home, they are ready for re-interrogation into society and with their family. He further contended that their further continuance in the custody of the observation home would cause mental trauma to the CICLs and would be adverse to their larger interests. On such ground, learned counsel for the Petitioners submitted that the CICLs be enlarged on bail on any stringent terms and conditions as would be deemed just and proper by this Court.

7. Learned counsel for the State, on the other hand, objected to the release of the CICLs from the custody of the observation home at this juncture. In course of his argument, learned counsel for the State, referring to the provisions contained in Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, submitted before this Court that the safety of the CICLs is the priority while considering the bail application of such CICLs. He further submitted that in the event the CICLs are released from the custody of the observation home, there is every likelihood that they might come into contact with hardened criminals, in which case, there is every possibility that they will not be reformed and, might pose a future threat to the society. On such ground, learned counsel for the State submitted that the CICLs be not enlarged on bail at

this juncture as they are not ready for such re-integration with the society and their families.

8. Learned counsel for the State produced the Social Investigation Reports (SIR) in respect of the 3 CICL-Petitioners. On perusal of the SIR submitted before this Court, which has been prepared by the Probation Officer, DCPO, Ganjam, this Court observed that all the three reports are identical in nature. The Probation Officer, in his report, has narrated the background details of each of the CICL and a recommendation has been made for reintegration of the CICLs into the society and their respective families, with a further advice for counselling and rehabilitation as well as family guidance so as to prevent any future exposure to similar conflicts.

9. On a careful analysis of the submissions made by learned counsels appearing for the respective parties, further on a close scrutiny of the materials placed on record, including the case diary as well as the Social Investigation Reports, this Court observes that the Petitioners, who are juveniles, are languishing in custody since 02.07.2025. It further appears that the injured persons have recovered in the meantime and are hale & hearty. So far the CICLs are concerned, they are in the observation home for almost one and half year. As such, this Court is assured of the fact that they must have been provided with proper counselling during their stay in the observation home. Moreover, on the basis of the recommendation made by the Probation Officer, DCPO, Ganjam, this Court is inclined to release the Petitioners on bail.

10. Hence, it is directed that each of the Petitioners be released on bail in the aforesaid case on furnishing bail bond of Rs.30,000/-

(Rupees Thirty thousand) each with two solvent sureties each for the like amount to the satisfaction of the Court in seisin over the matter. This Court further directs that one of bailer shall either be the parents of the CICLs or their close relatives, who shall furnish an undertaking that necessary guidance/ support be provided by the family and close relatives to the CICLs.

11. The release of the CICLs shall also be subject to such other terms and conditions as would be deemed just and proper by the learned Court in seisin over the matter. While imposing such conditions, the learned Court below shall also impose the condition whereby the Probation Officer shall keep a watch over the conduct of the CICLs and the CICLs be directed to appear before the Probation Officer at such intervals as would be deemed fit by the Court in seisin over the matter.

12. Accordingly, the Criminal Revision stands allowed.

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(A.K. Mohapatra)
Judge

Anil

Signature Not Verified
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Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 10-Nov-2026 11:38:04