



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLA No.397 of 2025

Mokim Khan

...

Appellant

Mr. M.K. Chand, Advocate

-versus-

State of Odisha

...

Respondent

Mr. P. Satapathy, Addl. PP

CORAM:JUSTICE G. SATAPATHY
ORDER(ORAL):24.07.2026

Order No.

04.

1. This Criminal Appeal under Section 101 of the Juvenile Justice (Care & Protection of Children) Act, 2015 (in short, "the Act") by the appellant, who is represented by his mother guardian in this appeal, is directed against the impugned order dated 25.03.2025 passed by the learned Addl. Dist & Sessions Judge-cum-Judge Children's Court, Keonjhar in SC Case No. 1/69 of 2025-24 corresponding to Ramachandrapur PS Case No. 349 of 2024 refusing to grant bail to Child-in-Conflict with law (CICL)-cum-appellant for commission of offences punishable U/Ss.191(2)/ 191(3)/ 296/115(2)/ 118(1)/ 117(2)/ 118(2)/ 74/ 324(4)(5)/326(g)/109/190/103(2) of BNS and Sec. 3(1)(r)/ 3(1)(s)/ 3(1)(u)/ 3(2)(v)/ 3(2)(va) of SC & ST (POA) Act, on the main allegation of committing murder of the deceased Omkar Jena and injuring his parents namely Purna Chandra Jena and Jharana Jena belonging to SC community by assaulting them, along with adult co-accused persons in prosecution of their common object by taking advantage of the caste of the injured and the deceased.



2. Heard, Mr. Manas Kumar Chand, learned counsel for the appellant-petitioner and Mr. P. Satapathy, learned Addl. PP in the matter and perused the record.

3. Admittedly, the appellant is a child-in-conflict with law, but he is detained in observation since 18.10.2024, however, the trial against the CICL is yet to be concluded. Besides, co-accused person Sarfuddin Khan & others in CRLA No.1459 of 2025 have already been granted bail. In a criminal case against CICL, bail is the rule, but detention of CICL is an exception and the proviso appended to Sec.12 of the Act prescribes that unless the release of 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, the CICL shall be admitted to bail. In such situation and circumstances and taking into account the materials so placed on record and in absence of any apprehension in terms of the proviso to Sec.12 of the Act, this Court considers that the CICL-cum-appellant has made out a case for grant of bail.

5. Hence, the Criminal Appeal stands allowed and the impugned order is hereby set aside. Consequently, the appellant be released on bail on such terms and conditions as deems fit and proper by it.

6. Accordingly, the CRLA stands disposed of.

(G. Satapathy)
Judge