



**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**CRLREV NO.436 of 2026**

(An application U/S. 438/442 of BNSS, 2023 r/w Sec. 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

**Niyaz Quadri** ..... **Petitioner**

-versus-

**State of Odisha** ..... **Opposite Party**

**For Petitioner** : **Mr. S.N.Mishra-4, Advocate**

**For Opposite Party** : **Mr. T.K.Acharya, Addl. PP**  
**Mr.S.K.Barik, Advocate for Informant**

**CORAM:**

**JUSTICE G. SATAPATHY**

**DATE OF HEARING & JUDGMENT:28.07.2026 (ORAL)**

**G. Satapathy, J.**

1. This criminal revision U/S. 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (in short "the Act") is directed against the impugned order dated 02.06.2026 passed by the learned ADJ-cum-Children's Court, Bhadrak, in JGR Criminal Appeal No. 06 of 2026 confirming the order passed by the learned PMJJB, Bhadrak in JGR Case No.



17 of 2026 arising out of Purunabazar PS Case No. 87 of 2026 refusing to grant bail to the revision-petitioner who is child in conflict with law(CICL) for commission of offence punishable U/Ss. 137(2)/87/64(2)(m)/3(5) of BNS & Sec. 6 of POCSO Act, on the main allegation of kidnapping the victim and committing rape and aggravated penetrative sexual assault upon her. The revision petitioner is represented by his father in this revision.

**2.** Heard, Mr. Satya Narayan Mishra-4, learned counsel for the revision-petitioner. Mr.Srikant Kumar Barik, learned counsel who enters appearance for the informant in the Court today by filing Vakalatnama, which is taken on record and Mr.T.K.Acharya, learned Addl. PP, and perused the record. Mr.Barik at the outset strongly opposes the release of the CICL on bail on the ground that the family members of the CICL are constantly giving threat to the victim and her family members.



**3.** It is no more *res integra* that bail to the Child in Conflict with Law is the rule, but his detention in observation home/place of safety is an exception, however, bail can be refused to the CICL, if there appears reasonable grounds for believing that 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. On a careful scrutiny of the materials placed on record, this Court does not find anything to infer that the child is in bad association with anybody nor is he having any association with persons having criminal background. The SIR of the child reveals that the Superintendent, Teacher and other staff of the observation home were interacted, but nothing adverse is reported against the CICL and they opined that the attitude and behavior of the CICL has been improving and lot of change has been noticed together with positive quality that are developed being influenced by various correctional and reformation



activities in the institution and now the child appears to be disciplined boy.

**4.** Besides, the age of the petitioner is 15 years, but at the same time age of the victim is also less than 14 years, however, the apprehension of the petitioner can be curbed by imposing appropriate conditions. In the circumstance of allegation and factors and in absence of any materials contrary to the para meters as prescribed under Sec. 12 of the Act to refuse bail, this Court considers it proper to admit the petitioner to bail.

**5.** In the result, the criminal revision stands allowed and the impugned order is hereby set aside, so also the order passed by the learned PMJJB, Bhadrak in JGR Case No. 17 of 2026 arising out of Purunabazar PS Case No. 87 of 2026. Consequently, the revision-petitioner-cum-CICL be admitted to bail by the forum/Court in seisin over the matter on such terms and conditions as deems fit and proper with following conditions:-



*(i) the father of the CICL shall ensure that the CICL shall not contact the victim or visit her house or place of residence or he shall not follow the victim or loiter in and around her at any place,*

*(ii) The father of the petitioner shall ensure that the petitioner shall not threaten, induce, influence or coerce any of the witnesses including the family members of the victim acquainted with the facts of the case so as to dissuade them from disclosing such facts before the Court.*

**(G. Satapathy)**  
**Judge**

*Orissa High Court, Cuttack,  
Dated the 28<sup>th</sup> July, 2026/Kishore*