



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV NO.449 of 2026
CNR No. ODHC010489762026

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

**Swadhin Badtya @
Badatya @ Gandhi** **Petitioner**

-versus-

**State of Odisha &
Another** **Opposite Parties**

For Petitioner : **Mr. S.S. Ray (2), Advocate**

**For Opposite
Party** : **Mr. T.K. Acharya, Addl. PP**

CORAM:

JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:10.08.2026 (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 12.06.2026 passed by the learned 2nd Addl. Sessions Judge, Berhampur in Criminal Appeal No. 14 of 2026 confirming the order passed by the learned Addl. Juvenile Justice Board, Chhatrapur in JGR Case No. 64 of 2026



arising out of Dharakote PS Case No. 183 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. 64(2)(m)/115(2) of BNS r/w Sec.6 of POCSO Act and Sec.3(1)(r)(s)/3(2)(v) of SC & ST of (PoA) Act, on the main allegation of committing rape and aggravated penetrative sexual assault upon the victim belonging to Schedule Caste by taking advantage of her caste.

2. Heard, Mr. Sidhartha Sankar Ray(2), learned counsel for the revision-petitioner and Mr. T.K. Acharya, learned Addl. PP and perused the record. The victim appearing along with his father through VC prays to dismiss the revision by rejecting the prayer for bail of the petitioner as the victim has life threat from the petitioner.

3. Bail to the juvenile can only be refused, if there appears reasonable grounds for believing that the release of the CICL is likely to bring him into association with any known criminal or expose the CICL to moral, physical or psychological danger or his release would defeat the ends of justice. A bare perusal of the SIR made available to this



Court reveals that the cause of the crime is emotional immaturity, improper counseling and guidance of the petitioner and this issue has arisen out of a prolonged personal acquaintance and emotional involvement as well as misunderstanding between the petitioner and the victim. The petitioner herein is admittedly a CICL and he is a student, but the apprehension of the victim can also be curbed by imposing appropriate conditions. There is nothing on record to suggest that the CICL would pose threat to the life of the victim. Bail to the CICL is the rule, but detention is an exception and in this case, the CICL-cum-petitioner is in detention home since 01.05.2026 and in the meantime, charge-sheet has already been submitted.

4. In view of the aforesaid facts and circumstance and taking into account the materials available on record and keeping in view the grounds as enumerated in Sec. 12 of the Act for refusal of bail to CICL, which is not found from the materials on record, this Court without expressing any view on merit admits the petitioner-cum-CICL to bail, but subject to certain conditions.



5. In the result, the criminal revision stands allowed and the impugned order dated 12.06.2026 passed by the learned 2nd Addl. Sessions Judge, Berhampur in Criminal Appeal No. 14 of 2026 and the order passed by the learned PM. Addl. JJB, Chhatrapur in JGR Case No. 64 of 2026 arising out of Dharmakote PS Case No. 183 of 2026 in refusing bail to the CICL are, hereby, set aside. 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 further conditions that: -

- (i) The father of the petitioner shall ensure that the CICL shall not contact the victim or visit her house;*
- (ii) The father of the petitioner shall ensure that the petitioner shall not follow the victim or loiter in and around her at any place;*
- (iii) The father of the petitioner shall ensure that the petitioner shall not threaten/ influence/ induce/ coerce any of the witnesses acquainted with the facts of the case so as to dissuade them disclosing such facts before the Court.*

(G. Satapathy)
Judge

*Orissa High Court, Cuttack,
Dated the 08th of August, 2026/Jayakrushna*