



2026:AHC:181337

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 3792 of 2026

X Juvenile

.....Revisionist(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Asif Hasan, Tufail Hasan
Counsel for Opposite Party(s)	:	G.A., Rajendra Kumar Srivastava

Court No. - 78

HON'BLE SUBHASH CHANDRA SHARMA, J.

1. Heard learned counsel for revisionist, learned counsel for opposite party no. 2 as well as learned A.G.A. for State and perused the record.

2. The present criminal revision has been preferred by the revisionist through his natural guardian under Section 102 of the Juvenile Justice (Care and Protection) Act-2015 (hereinafter referred to as "J.J. Act, 2015) to allow the present revision and set aside the judgment and order dated 10.6.2026 passed by Special Judge (POCSO) Act/Additional District & Sessions Judge, Firozabad in Criminal Appeal No. 62 of 2026 as well as bail rejection order dated 20.5.2026 passed by Juvenile Justice Board, Firozabad in Case Crime No. 11 of 2026 under Section 137(2), 87 of B.N.S. and Section 3/4 of the (POCSO) Act, Police Station Shikohabad, District Firozabad, and further be pleased to release Juvenile in custody of his grandfather in Case Crime No. 11 of 2026 under Section 137(2), 87 of B.N.S. and Section 3/4 of the (POCSO) Act, Police Station Shikohabad, District Firozabad, during pendency of trial before the Juvenile Justice Board, Firozabad.

3. It is submitted by learned counsel for the revisionist that the revisionist is aged about 17 years and is in Observation Home since 12.01.2026. Further submitted that he did not entice away the victim, who is said to be 16 years. He has further submitted that she went with the revisionist voluntarily and no force or violence has been used by the revisionist against the will of the victim. The statement of victim was recorded under Section 183 BNSS before the learned Magistrate in which she clearly stated that she sent to Agra and then to Noida on her own will. She herself called the revisionist at Noida and them coming back to Shikohabad the police arrested them. She was known to Aman for a period of eight months. She further added that after attaining the age of 18 years, her mother would get her married with the

revisionist. It shows that she was voluntarily willing, this facts were not taken into considerations by the J.J. Board and the appellate court. The provisions as contained under Section 12 of the Juvenile Justice Act has not been considered by the Juvenile Justice Board as well as the appellate court. The learned J.J. Board did not consider all these facts while deciding the bail application and the learned appellate court also did not consider the material available on record while rejecting the appeal which cannot be said to be lawful. The delinquent is in Juvenile Care Home since 12.01.2026 and his psychology is being affected adversely, therefore, requested to set aside the order passed by the J.J. Board as well as appellate court and allow the criminal revision.

4. Learned A.G.A. and learned counsel for opposite party no. 2 opposed the prayer as aforesaid.

5. Considering the facts and circumstances of the case, submissions made by learned counsel for the revisionist as well as learned A.G.A., perusal of record, the age of the victim and delinquent, the statement of the victim and provisions as contained u/s 12 Juvenile Justice Act and report submitted by the D.P.O. it appears that J.J. Board as well as the appellate court has not considered the relevant provisions and the material on record in well manner but passed the order without applying their judicial mind. In this way, there appears ground in this revision and the orders passed by the Juvenile Justice Board as well as learned appellate court are liable to be set aside.

6. Accordingly, the orders passed by Juvenile Justice Board dated 20.5.2026 and the appellate court dated 10.6.2026 are, hereby, set aside and present Criminal Revision is hereby, **allowed**.

7. It is directed that delinquent/applicant be released on bail on executing personal bond by the revisionist (legal guardian of the delinquent) and two sureties each in the like amount to the satisfaction of the Juvenile Justice Board concerned on following conditions:-

(i) The revisionist/natural guardian will furnish an undertaking that upon release on bail the revisionist will not be permitted to go into contact or association with any known criminal or allowed to be exposed to any moral, physical, or psychological danger and further that the father will ensure that the juvenile will not repeat the offence.

(ii) The revisionist/natural guardian will further furnish an undertaking to the effect that the juvenile will pursue his study at the appropriate level which he would be encouraged to do besides other constructive activities and not be allowed to waste his time in unproductive and excessive recreational

pursuits.

(iii) Juvenile and the revisionist/natural guardian will report to the Probation Officer on the first Monday of every calendar month.

(iv) The Probation Officer will keep a strict vigil on the activities of the juvenile and regularly draw up his social investigation report that would be submitted to the Juvenile Justice Board, concerned on such a periodical basis as the Juvenile Justice Board may determine.

August 31, 2026

Gss

(Subhash Chandra Sharma,J.)