



2026:AHC:180840

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 4132 of 2026

Juvenile

.....Revisionist(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Rajesh Singh, Vishal Singh
Counsel for Opposite Party(s)	:	Kanchan Chaudhary, G.A.

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 15.5.2026 passed by Juvenile Court/Special Judge (POCSO) Act-First, Hathras in Criminal Appeal No. 09 of 2026 ("X" Versus State of U.P.) as well as bail rejection order dated 23.4.2026 passed by Juvenile Justice Board, Hathras in Criminal Case No. 26 of 2026 under Sections 137(2)/87/65(1) of B.N.S. and Section 3/4(2) of the (POCSO) Act and Section 3(2)5 of SC/ST Act, Police Station Hathras Junction, District Hathras, and further be pleased to release Juvenile on bail in Criminal Case No. 26 of 2026 under Sections 137(2)/87/65(1) of B.N.S. and Section 3/4(2) of the (POCSO) Act and Section 3(2)5 of SC/ST Act, Police Station Hathras Junction, District Hathras, during pendency of trial before the Juvenile Justice Board concerned.

3. It is submitted by learned counsel for the revisionist that the revisionist is aged about 16 years and is in Observation Home since 18.01.2026. He further submitted that the victim was also aged about 15 years, who was in affairs with the revisionist for a period of two years. The victim herself stated before the Magistrate under Section 183 BNSS that she was in affairs with the revisionist and was in friendship for a period of two years on Instagram. She herself called the revisionist and went with him to Bombay by train where she lived in a rented room as husband and wife and also entered into marriage on 25.12.2025 in a temple. She also expressed her will to live with the revisionist furthermore, which shows that she was

voluntarily willing to live with the revisionist. No force was used by the revisionist against her will.

4. There is nothing adverse to the present delinquent in the report as submitted by the District Probation Officer. 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 11.01.2026 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.

5. Learned A.G.A. and learned counsel for opposite party no. 2 opposed the prayer as aforesaid and contended that the victim was minor at the time of alleged incident and the revisionist was elder of age about 16 years. The revisionist took the victim with him by enticing away, therefore, he cannot be said to be innocent.

6. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, contents of the FIR, the statement of the victim under Section 183 of BNSS, 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.

7. Accordingly, the orders passed by Juvenile Justice Board dated 15.5.2026 and the appellate court dated 23.4.2026 are, hereby, set aside and present Criminal Revision is hereby, **allowed**.

8. 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.)