



2026:AHC:161234

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 3020 of 2026

K-(Juvenile)

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s) : Abhishek Tripathi, Sunil Kumar Mishra
Counsel for Opposite Party(s) : G.A.

Court No. - 78

HON'BLE SUBHASH CHANDRA SHARMA, J.

Second supplementary affidavit containing D.P.O. report filed by learned counsel for the revisionist today is taken on record.

Despite service of notice on the informant, no one appeared on his behalf.

Heard learned counsel for the revisionist as well as learned A.G.A. for the State and perused the record.

The present criminal revision has been preferred by the revisionist through his father 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 26.02.2026 passed by learned Additional District & Session Judge/(POCSO Act), Juvenile Court, Hapur in Criminal Appeal No.09/2026 (K- Juvenile vs. Kashmir Singh and others) as well as order dated 03.02.2026 passed by the Juvenile Justice Board, Hapur. Further prayed to release the revisionist on bail in Case No.188/2025 arising out of Case Crime No.544/2025, under Sections 103(1), 3(5) B.N.S.

It is submitted that in this case the age of the delinquent was about 15 years & 9 months and was not in a position to understand the nature of the act. Further submitted that F.I.R. was lodged against the unknown persons but later on during the course of the investigation his name was found into light with other co-accused who has already been enlarged on bail by co-ordinate Bench of this Court in Criminal Revision No.2965/2026 vide order dated 30.07.2026. Further submitted that the case of the present revisionist is on similar footing. It is further submitted that the provisions as contained u/s 12 of the Juvenile Justice Act had not been considered by the Juvenile Justice

Board even the report submitted by Probation Officer was also not considered. The appellate court has also not considered all these facts but rejected the bail application without applying its judicial mind and considering the law as contained u/s 12 of the aforesaid Act. It is also submitted that the apprehension of possibility of involving the delinquent in company of other criminals has been mentioned in the order passed by the learned Juvenile Justice Board and confirmed by the appellate court though no such possibility has been expressed by the Probation Officer in his report which is on record. The delinquent is in Juvenile Care Home since 17.11.2025 and his psychology is being affected adversely, therefore, requested to set aside order passed by the J.J. Board as well as appellate court and allow the criminal revision.

Learned A.G.A. opposed the prayer as aforesaid.

Considering the facts and circumstances of the case, submission made by learned counsel for both the parties, perusal of record, the contents of F.I.R., the provisions as contained u/s 12 of Juvenile Justice Act, the report submitted by the District Probation Officer and the case of the present revisionist is on similar footing, it appears that Juvenile Justice Board as well as the appellate court had 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.

Accordingly, the orders passed by Juvenile Justice Board dated 03.02.2026 and the appellate court dated 26.02.2026 are, hereby, set aside and present criminal revision is hereby, **allowed**.

It is directed that delinquent/applicant be released on bail on executing person bond by the revisionist (father 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/father 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/father 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/father 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 3, 2026
Ashok Gupta

(Subhash Chandra Sharma,J.)