



2026:AHC:64360

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 1173 of 2026

X Juvenile

.....Revisionist(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Manoj Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 84

HON'BLE JAI PRAKASH TIWARI, J.

Sri Aftab Alam learned Advocate appears and filed his Vakalatnama on behalf of informant, which is taken on record.

Heard learned counsel for the revisionist, learned A.G.A. for the State and Sri Aftab Alam, learned counsel for the informant/opposite party no. 2.

The present criminal revision has been filed to set aside the order dated 12.12.2025 passed by Special Judge (POCSO Act)/Court No. 8, Ballia in Criminal Appeal No. 98 of 2025 its connected Criminal Appeal No. 116 of 2025; titled Juvenile X son of Mohan alias Chirai Gond vs. State of U.P., as well as orders dated 01.09.2025 and 30.09.2025 passed by the Juvenile Justice Board, Ballia in Misc. Case No. 174 of 2025, arising out of Case Crime No. 325 of 2025, under Sections 137(2), 87, 351(3), 333, 305A, 65(1) BNS and Section 3/4(2) POCSO Act, Police Station Rewati, District Ballia.

Learned counsel for the revisionist submits:

- (i) admittedly, the applicant was a juvenile aged about 16 years, 2 months and 17 days on the date of alleged incident; He is in jail since 30.07.2025;
- (ii) the applicant has been falsely implicated;
- (iii) there is no specific or strong objection raised in the DPO report, other than the general and vague observations;

(iv) there is some contradiction in the version of the FIR and the statements of the victim recorded under Section 180 & 183 of B.N.S.S.;

(v) there is no criminal history of the applicant;

(vi) there is no hope of early conclusion of the trial;

(vii) the revisionist has remained confined in the child observation home for an unduly long period of time;

(viii) none of the grounds contemplated under section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (hereinafter referred to as the Act) are available, to deny the bail to the applicant.

(ix) therefore, the impugned orders have been assailed as erroneous and contrary to law.

Learned counsel for the opposite party no. 2 and learned A.G.A. for the State vehemently opposed the present criminal revision. It is submitted, the incident reported is true and it is wrong to say that the allegations made against the applicant are false, and/are motivated. Also, reliance has been placed on the findings recorded in the bail rejection orders to submit that the instant revision may be dismissed.

It is not in dispute that the applicant is a juvenile and is entitled to the benefits of the provisions of the Act. Under Section 12 of the Act, the prayer for bail of a juvenile may be rejected 'if there appear reasonable grounds for believing that the release of the juvenile is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice'.

The court has to see whether the opinion of the learned appellate Court as well as Juvenile Justice Board recorded in the impugned judgment and orders are in consonance with the provision of the Act. Section 12 of the Act lays down three contingencies in which bail may be refused to a juvenile offender. These are:-

(i) if the release is likely to bring him into association with any known

criminal, or

(ii) expose him to moral, physical or psychological danger, or

(iii) that his release would defeat the ends of justice?

Thus, it remains largely undisputed that the applicant was a juvenile on the date of occurrence; does not appear to be prone to criminal proclivity or criminal psychology, in light of the observations of the D.P.O; does not have a criminal history; has been in confinement for an unduly long period of time, in as much as the trial has not concluded within time frame contemplated by the Act. Even otherwise, there does not appear to exist any factor or circumstance mentioned in section 12 of the Act as may disentitle the applicant to grant of bail, at this stage. The mother of the applicant undertakes to address the statutory concerns expressed in section 12 of the Act, as to the safety and well being of the applicant, upon his release.

In view of the above, it appears that the findings recorded by the learned Court below are in conflict with the settled principle in law, for the purpose of grant of bail and are erroneous and contrary to the law laid down by this court. Consequently, those orders cannot be sustained. The impugned orders are hereby **set aside**.

In view of the observations made above, the present criminal revision is allowed. Let the **revisionist-X Juvenile son of Mohan alias Chirai Gond through his natural guardian Smt. Prabhawati Devi (mother)** involved in the aforesaid case crime be released on bail, on his furnishing personal bond of Rs. 20,000/- with two sureties each of like amount, to the satisfaction of the court concerned with the following conditions:

(i) The revisionist shall not tamper with the evidence or threaten the witnesses;

(ii) The revisionist through guardian shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial Court to treat it as abuse of liberty

of bail and pass orders in accordance with law;

(iii) The revisionist through guardian shall remain present before the trial Court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial Court may proceed against him under Section 229-A of the Indian Penal Code/269 B.N.S.S.

Registrar (compliance) is directed to communicate the order to the Child Observation Home concerned within a week.

(Jai Prakash Tiwari,J.)

March 28, 2026
Brijesh