



2026:AHC:126369

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 2868 of 2026

Juvenile S

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

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

Court No. - 4

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Compliance affidavit filed on behalf of State is taken on record.
2. This revision under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the 'Act') is directed against the order dated 31.03.2026 passed by learned Special Judge (POCSO Act)/ Additional Sessions Judge, Farrukhabad, in Juvenile Criminal Appeal No. 73 of 2026, dismissing the said appeal arising out of order dated 12.02.2026 passed by Juvenile Justice Board, Fatehgarh, Farrukhabad (hereinafter referred to as the 'Board') in Case Crime No. 400 of 2025, under Section 103(1) of B.N.S. and Section 9/25 of Arms Act, Police Station Kamalganj, District Farrukhabad, rejecting the bail application of the revisionist (juvenile).
3. None appears on behalf of informant even in the revised call despite service of notice.
4. Heard learned counsel for the revisionist as well as learned A.G.A. for the State and perused the impugned orders along with entire material on record which appears to be complete and enough sufficient to decide this revision.
5. Learned counsel for the revisionist has contended that the revisionist is innocent and has been falsely implicated. The role assigned to the applicant is for exhortation only. It is further contended that the revisionist has been declared juvenile but his bail application has been rejected by the learned Board as well as by learned Sessions Judge in Criminal Appeal without any convincing basis giving finding that if the revisionist is released he is likely to bring him into association with several known criminals and expose him to moral, physical or psychological danger, hence his release would defeat the ends of justice.
6. Learned counsel for the revisionist has further submitted that the report

of the concerned District Probation Officer not recommending the release of the revisionist was without any substantial material on record and the findings given by the learned courts below are without very reasonable or convincing basis or material. The revisionist is in observation home since 08.12.2025.

7. Learned A.G.A. opposed the prayer for bail.

8. I have considered the submissions made by the parties' counsel and perused the impugned orders passed by the learned courts below along with entire material on record as well as the provisions of the Act.

The provisions of bail to a juvenile is given in Section 12 of the said Act, which provides as follows:-

" 12. (1) When any person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person:

Provided that such person shall not be so released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the person's release would defeat the ends of justice, and the Board shall record the reasons for denying the bail and circumstances that led to such a decision.

(2) When such person having been apprehended is not released on bail under subsection (1) by the officer-in-charge of the police station, such officer shall cause the person to be kept only in an observation home in such manner as may be prescribed until the person can be brought before a Board.

(3) When such person is not released on bail under sub-section (1) by the Board, it shall make an order sending him to an observation home or a place of safety, as the case may be, for such period during

the pendency of the inquiry regarding the person, as may be specified in the order.

(4) When a child in conflict with law is unable to fulfil the conditions of bail order within seven days of the bail order, such child shall be produced before the Board for modification of the conditions of bail."

9. The aforesaid provision provides that a juvenile accused has to be released on bail unless there are reasonable grounds for believing that the release 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. There is no such very convincing basis or material which may bring the case of the revisionist within the exceptions provided in Section 12 of the Act.

10. In view of this Court there does not appear any such justifiable material or evidence on record to show that by releasing the revisionist on bail, the revisionist would come in association with any known criminal or his release would expose him to moral, physical or psychological danger. There is also nothing very substantial on record to show that the release of the revisionist on bail would defeat the ends of justice.

11. In these circumstances, the Board was not quite justified in rejecting the bail application of the revisionist. Learned Sessions Judge also does not appear to have considered the provisions of Section 12 of the Act in its proper perspective. Thus, both the impugned orders are not sustainable and are liable to be set aside.

12. Thus keeping in perspective the period of detention already undergone by the revisionist, accordingly, the revision stands **allowed**. The impugned orders dated 12.02.2026 passed by the Board and 31.03.2026 passed by the Sessions Judge, are hereby **set aside**.

13. The revisionist-'**Juvenile S**' involved in the aforesaid case be released on bail on his furnishing a personal bond through his legal guardian/ Vijay Kumar (Father), and two sureties each in the like amount to the satisfaction of the Board concerned.

(Dr. Gautam Chowdhary,J.)

June 9, 2026

Mustaqeem.