

Juvenile X vs State Of U.P. And Another on 1 May, 2025

Author: Sanjay Kumar Singh

Bench: Sanjay Kumar Singh

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:69177

Court No. - 78

Case :- CRIMINAL REVISION No. - 1346 of 2025

Revisionist :- Juvenile X

Opposite Party :- State of U.P. and Another

Counsel for Revisionist :- Aman Patel,Dharmendra Pal,Neeraj Singh Yadav,Siddharth Saran

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1-The present Criminal Revision under Section 102 of Juvenile Justice (Care and Protection of Children) Act, 2015 has been preferred against the judgment and order dated 21.01.2025 passed by learned Additional Sessions Judge / Special Judge, POCSO Act, Fatehpur in Criminal Appeal No. 58 of 2024 arising out of Case Crime No. 64 of 2024, under Sections 302 and 120-B I.P.C., Police Station Hussainganj, District Fatehpur whereby the appellate court refused the prayer of bail of accused-revisionist.

2-Heard learned counsel for the revisionist, learned Additional Government Advocate representing the State of U.P. and perused the record.

3-As per the prosecution case in brief, a first information report was lodged 05.04.2024 with regard to an incident dated 04.04.2024 against four accused persons including the revisionist for the offence under Section 302 I.P.C., in which Ram Saran has lost his life.

4-Learned counsel for the revisionist assailing the impugned orders submits that the revisionist was a juvenile on the date of the alleged incident dated 04.04.2024 and he has been declared juvenile vide order dated 28.10.2024 of Juvenile Justice Board treating the age of revisionist as 16 years 02 months and 12 days on the date of alleged incident. The revisionist has remained confined in juvenile home since 12.04.2024.

5-Main substratum of argument of learned counsel for the revisionist is that the revisionist is not named in the F.I.R. During investigation, complicity of the revisionist came into light that he was also involved in the conspiracy of the said incident. It is also submitted that co-accused Rahul, who was also not named in the F.I.R., has been granted bail by the co-ordinate Bench of this Court vide order dated 10.09.2024 passed in Criminal Misc. Bail Application No. 33492 of 2024, hence, the bail application of the revisionist is also liable to be allowed on the ground of parity.

6-It is further being emphasized that the revisionist does not have any criminal antecedent to his credit. Lastly, it is submitted that there is no material on record for believing that the release of revisionist is likely to bring him into association with any known criminal or expose him to moral, psychological danger, therefore, aforesaid impugned orders are not sustainable and liable to be set aside and revisionist is entitled to be released on bail in view of Section 12 of Juvenile Justice (Care and Protection of Child) Act, 2015.

7-Learned Additional Government Advocate vehemently opposed the present revision. It has thus been submitted, merely because the revisionist is a juvenile it would not entitle him to bail without going into the gravity of the offence, the nature of the crime. It is also contended that the bail sought for has been rightly refused in view of Section 12(1) of Juvenile Justice (Care and Protection of Child) Act, 2015.

8-Having considered the arguments so advanced by learned counsel for the parties, I find that co-accused Rahul, under similar accusation, has been granted bail as noted above.

9-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 Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Section 12 of the aforesaid Act lays down three contingencies in which bail could be refused to juvenile. They 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.

10-Considering the facts of the case as noted above, it appears that the findings recorded by the learned Court below are erroneous and cannot be sustained. The aforesaid impugned order dated 21.01.2025 is hereby set aside.

11-Accordingly, the present criminal revision is allowed.

12-Let the revisionist Juvenile X involved in the aforesaid case crime be released on bail on furnishing a personal bond of his mother namely Smt. Malti Devi who is his natural guardian with two sureties each in the 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.

Order Date :- 1.5.2025 Saurabh