

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>UKHC010109242026</u> <u>CRLR/471/2026</u> X --Revisionist Versus State Of Uttarakhand --Respondent <u>Hon'ble Alok Mahra, J.</u> Mrs. Snigdha Tiwari and Mr. Priyansh Mittal, Advocates for the revisionist. Mr. Deepak Bisht, Deputy Advocate General and Mr. Prabhat Kandpal, A.G.A. for the State of Uttarakhand. 2. By means of the present Criminal Revision, the revisionist has challenged the judgment and order dated 20.03.2026 passed by the learned Juvenile Justice Board, Dehradun in Criminal Case No.183 of 2026. Revisionist has also challenged the order dated 06.05.2026 passed in Criminal Case No.183 of 2026 (Bail Application No.98 of 2026) by learned Additional District & Sessions Judge/F.T.C. (POCSO), In-Charge Special Judge, POCSO Act, Dehradun. 3. Heard learned counsel for the parties. 4. The prosecution case, as disclosed in the First Information Report lodged by the mother of the victim, is that the revisionist, along with two co-accused persons, allegedly enticed away her minor daughter after administering an intoxicating substance in a cold drink and thereafter committed rape upon her. 5. Learned counsel for the revisionist submits that both the Juvenile Justice Board and the appellate court have rejected the prayer for bail without properly appreciating the mandate of Section 12 of the Juvenile Justice (Care and Protection of Children)

		Act, 2015. It is contended that the proviso to Section 12 carves out only three exceptional circumstances in which bail to a child in conflict with law may be refused, namely, where his release is likely to bring him into association with any known criminal, expose him to moral, physical or psychological danger, or where his release would defeat the ends of justice. It is submitted that none of the aforesaid statutory exceptions is attracted in the present case. Learned counsel further submits that the courts below have merely observed that the alleged offence is heinous in nature and have speculated that, if released on bail, the revisionist may again commit a similar offence or that there may be apprehension of harm either to the victim's family or to the revisionist himself. Such findings, it is argued, are based on mere conjectures and surmises and are unsupported by any cogent material on record. It is further submitted that the gravity of the offence, by itself, cannot constitute a valid ground for denial of bail to a juvenile under Section 12 of the Act. Learned counsel for the revisionist further submits that the medical examination report of the victim does not conclusively corroborate the prosecution allegations, and the Forensic Science Laboratory (F.S.L.) report has not yet been received. It is further submitted that the scientific evidence, which may have a bearing on the allegations levelled against the revisionist, is still awaited. Learned counsel also submits that the revisionist has remained lodged in the Juvenile Home for the last about five years, and his continued detention would defeat the very object of the Juvenile Justice (Care and Protection of Children) Act, 2015, which emphasizes rehabilitation and reintegration of a child in conflict with law rather than prolonged incarceration. It is, therefore, submitted that the revisionist deserves to be enlarged on bail in terms of Section 12 of the Act. Learned counsel for the revisionist further submits that the Social Investigation Report (S.I.R.) reveals that the revisionist has no previous criminal antecedents and is not associated with any criminal gang or anti-social elements. It is further submitted that the Social Background Investigation Report, prepared by the concerned Police Officer, does not indicate the existence of any circumstance suggesting that, if released on bail, the revisionist is likely to come into association with known criminals or be exposed to any moral, physical or psychological danger. On the contrary, the report reflects that the child in conflict with law has the potential for reformation and rehabilitation under the care and supervision of his parents/guardian.
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		6. Learned counsel for the revisionist has placed reliance upon the judgment rendered by Hon'ble High Court of Gujarat at Ahmedabad in Criminal Revision (For Regular Bail) No.1400 of 2025, decided on 06.04.2026. 7. Learned State Counsel opposed the bail application and supported the impugned orders passed by the Juvenile Justice Board as well as the appellate court. 8. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the revisionist is admittedly a child in conflict with law. A perusal of the impugned orders does not reveal the existence of any material indicating that the case of the revisionist falls within any of the exceptions contemplated under the proviso to Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. The apprehensions recorded by the courts below are general in nature and are not founded upon any substantive material. It is well settled that the gravity or seriousness of the alleged offence, by itself, is not a ground to deny bail to a juvenile unless the case is shown to fall within the statutory exceptions engrafted in the proviso to Section 12 of the Act. 9. In view of the aforesaid facts and circumstances, this Court is of the considered opinion that the revisionist is entitled to the statutory benefit of bail under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. 10. Accordingly, the Bail Application is allowed. It is directed that the revisionist (juvenile) shall be released on bail upon his parents/guardian furnishing a personal bond to the satisfaction of the Juvenile Justice Board concerned, subject to such further conditions as the Board may deem fit and proper to impose in the interest of justice and for ensuring the proper care, supervision, education, rehabilitation and well-being of the child in conflict with law. 11. List the Criminal Revision for final hearing in due course. (Alok Mahra, J.) 23.07.2026 Arpan
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