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CRR-3824-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE ALOK AWASTHI

ON THE 27th OF OCTOBER, 2026CRIMINAL REVISION No. 3824 of 2026

CNR No.: MPHC020348882026

*CHILD IN CONFLICT WITH LAW**Versus**STATE OF MADHYA PRADESH*

Appearance:

Shri Dharmendra Gurjar, Advocate for the applicant.

Shri Bhaskar Agrawal, Government Advocate for the non-applicant/State.

ORDER

This criminal revision u/S 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for brevity "JJ Act") has been preferred by the Child in Conflict with Law through his natural guardian/father against the order dated 20.08.2026 passed by the 5th Additional Sessions Judge & Special Judge (POCSO Act), Indore in Criminal Appeal No.322/2026, whereby the Appellate Court affirmed the order dated 06.08.2026 passed by the Principal Magistrate, Juvenile Justice Board, Indore in Crime No.386/2026 registered at Police Station Heeranagar, District Indore for commission of offence u/S 103(1), 109(1), 115(2), 296-B, 351(3) and 3(5) of the BNS, 2023 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. By the said order, the Principal Magistrate had rejected the application filed u/S 12 of the JJ Act seeking release of the child on bail/supurdagi.

2. Facts giving rise to the instant revision are that the child in conflict with law was taken into custody in connection with the aforesaid crime and has been



lodged in the Observation Home, Indore since 01.05.2026. An application under Section 12 of the JJ Act was filed on his behalf which came to be rejected by the Principal Magistrate, Juvenile Justice Board, Indore on 06.08.2026 primarily on the basis of the Social Investigation Report. The appeal preferred under Section 101 of the JJ Act was dismissed by the Additional Sessions Judge on 20.08.2026. Hence the present revision.

3. Learned counsel for the applicant submitted that the Courts below have rejected the application without properly applying the mandatory provisions of Section 12 of the JJ Act. There is no material on record to show that the release of the child 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 child has no previous criminal antecedents. He is a student of Class 12 and has been in the Observation Home continuously since 01.05.2026. The father is engaged in dairy business and is ready and willing to take the child under his care and supervision and to ensure his presence before the Board. The continued detention of the child for more than three months is contrary to the rehabilitative object of the JJ Act. It was therefore prayed that the impugned orders be set aside and the child be released on bail/supurdagi in the custody of his father.

4. Per contra, learned Government Advocate for the non-applicant/State opposed the revision and supported the orders of the Courts below. It was submitted that the Social Investigation Report indicates that the neighbourhood is predominantly of less-educated labour class and that releasing the child at this stage may expose him to undesirable company and other risks. The offences are serious in nature and he has criminal antecedents. Hence the revision deserves to be dismissed.

5. I have heard learned counsel for the parties and carefully perused the case



diary, the Social Investigation Report, the order of the Juvenile Justice Board dated 06.08.2026 and the appellate order dated 20.08.2026.

6. It is not in dispute that the child was below 18 years of age (approximately 17 years) on the date of the alleged incident. Section 12 of the JJ Act mandates that a person who is apparently a child and is alleged to have committed a bailable or non-bailable offence shall 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. The proviso to Section 12(1) carves out only three limited exceptions:-

- (i) if there appears reasonable ground for believing that the release is likely to bring the child 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.

7. Bail is the rule and refusal is an exception. The gravity of the offence by itself is not a sufficient ground to deny bail under the JJ Act.

8. A perusal of the Social Investigation Report shows that the child is studying in Class 12, his father is engaged in dairy business, and the family education level is medium. The Report does note the character of the neighbourhood and suggests that some protective custody may be appropriate. However, it does not record any previous criminal antecedents of the child or any specific material indicating that he is a hardened offender or that his release is likely to bring him into association with known criminals. No recovery remains pending from the child. The child has already remained in the Observation Home for more than three and a half months.

9. The Juvenile Justice Board and the Appellate Court have primarily relied



upon the observations in the Social Investigation Report regarding the surrounding environment and the possibility of the child falling into undesirable company. While such concerns are relevant, the statutory scheme of the JJ Act does not permit denial of bail solely on generalised observations when the three exceptional circumstances enumerated in the proviso to Section 12(1) are not clearly and specifically made out. Prolonged detention of a Class-12 student in an Observation Home, particularly when the natural guardian is ready to take full responsibility, runs counter to the rehabilitative and reformatory object of the Act.

10. In the facts and circumstances of the present case, this Court is of the considered opinion that the Courts below have not properly applied the parameters of Section 12 of the JJ Act. The continued incarceration of the child is not in his best interest. Accordingly, I deem appropriate to allow the present criminal revision. Hence, the impugned orders passed by the Courts below are set aside.

11. The applicant/Child in Conflict with Law is directed to be released on bail and handed over to the custody of his natural guardian/father upon the father furnishing a personal bond in the sum of Rs.50,000/- (**Rupees Fifty Thousand only**) with one solvent surety in the like amount to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Indore, subject to the following conditions:-

(i) The father shall keep the child under his continuous care, supervision and control and shall not allow him to come into association with any known or unknown criminals;

(ii) The father shall ensure the presence of the child on each and every date of hearing before the Juvenile Justice Board and shall not seek unnecessary adjournments;

(iii) The child shall not indulge in any criminal activity and shall not leave the jurisdiction of the Board without prior permission;



(iv) The father shall ensure that the release of the child does not defeat the ends of justice in any manner;

(v) The Probation Officer concerned shall periodically monitor the activities and conduct of the child and submit periodic reports to the Board. In the event of violation of any of the above conditions, the bail granted to the child shall stand automatically cancelled and the Board shall be at liberty to take the child back into custody.

12. With the aforesaid, criminal revision stands allowed and disposed of.

13. A copy of this order be immediately transmitted to the Principal Magistrate, Juvenile Justice Board, Indore and the Superintendent of the Observation Home, Indore for necessary compliance and for production of the child for the purpose of release in accordance with this order.

Certified copy, as per Rules.

(ALOK AWASTHI)
JUDGE

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