2026:CGHC:8060

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Judgment Reserved On: 11.12.2025

Judgment Pronounced On:13.02.2026

CRR No. 1503 of 2025

A (Juvenile - Conflict With Law) Through - Natural Guardian-Mother-A.M., R/o A. R. Y. (Details Attached In Separate Envelop With The Memo Of Revision.) **... Applicant**

versus

State Of Chhattisgarh Through - City- Kotwali, Dhamtari, District-Dhamtari (C.G.)

... Respondent(s)

For Applicant	**:**	Mr. Hemant Gupta, Advocate
For Respondent(s)	**:**	Mr. Vivek Sharma, Panel Lawyer

Hon'ble Shri Justice Arvind Kumar Verma

C A V Judgment

1. The applicant has preferred the present criminal revision under Section 102 of the Juvenile Justice Act, 2015 against the judgment dated 31.10.2025 passed by the Additional Sessions Judge (FTC), Dhamtari (C.G.) in Criminal Appeal No. 64/2025

wherein the bail application of the present applicant was rejected.

2. As per the case of the prosecution, on 06.06.2025, at about 11:15 PM, in Danipara Ward, Dhamtari, in front of the house of complainant Anusuiya Bai Dhruv, the juvenile/appellant, along with co-accused Satish and another juvenile in conflict with law, abused Vikas Dhruv, the son of the complainant, in filthy language. Upon objecting to such abuse, the juvenile/appellant, along with the co-accused, threatened Vikas Dhruv with death and assaulted him with fists and kicks. Thereafter, with the intention to kill, the juvenile/appellant assaulted Vikas Dhruv with a sharp weapon, causing an injury to his abdomen, due to which Vikas Dhruv's intestines came out, resulting in his death. The application submitted by the guardian of the juvenile seeking bail was rejected by the Juvenile Justice Board, Dhamtari, by order dated 15.10.2025, being aggrieved by which the present appeal has been filed before this Hon'ble Court.

3. Learned counsel for the applicant would submit that the learned court below has erred in law and facts while passing the impugned judgment. It failed to consider that keeping the juvenile/applicant in custody would expose him to criminal influence and psychological harm, thereby defeating the ends of justice. The court also ignored binding precedents of the Hon'ble High Court, including Vikki Tiwari vs. State of Chhattisgarh and Ankit Upadhayay @ Chotu & Others vs. State of C.G. Further, the Social Status Report was wrongly appreciated. The applicant

does not consume liquor or intoxicants, contrary to the court's observation. The report itself indicates that the deceased was the aggressor and attacked the applicant first, causing injuries to the applicant which required stitches. The applicant was not carrying a knife, and the incident occurred in self-defence, entitling him to bail. The court also failed to appreciate that criminal law cannot be based on mere probability of future offences. The applicant belongs to a poor family with no criminal antecedents, and continued detention would adversely affect his mental well-being during his stay in the observation home. Moreover, Section 3(i) of the Juvenile Justice Act presumes a child to be innocent of criminal intent up to the age of 18 years. He prays that the applicant is in captivity since 07.06.2025 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that there is a categorical finding recorded by learned Court below with regard to the seriousness of the offence and also given a finding that in the interest of justice, the applicants juvenile-conflict-with-law shall not be released on bail. It is further submitted that these findings are based on proper assessment of the material placed before it and therefore the finding recorded does not suffer from any patent illegality or material irregularity warranting interference by this Court. Learned State counsel had apprised this Court about the conduct of the applicants/accused and submits that looking to the gravity of the

offence committed by the applicants/accused, they are not entitled to be released on bail and this revision deserves to be dismissed.

5. I have heard learned counsel for the parties, perused the record and considered their rival submissions.

6. Section 12 of the Act, 2015 deals with grant of bail to a juvenile and provides as to under what parameters, the bail can be considered. In assessing the merit of rival submissions, it would, at the outset, be necessary to advert to Section 12 of the Act, 2015:

> "12. Bail to a person who is apparently a child alleged to be in conflict with law.—(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 (2 of 1974) 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 sub- section (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 fulfill 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."

7. As per learned counsel for the applicant, considering the conduct of the applicant, he is entitled to be released on bail irrespective of the gravity of offence committed, but in the opinion of this Court

the consideration for grant of bail to a juvenile delinquents though is entirely different than that of normal consideration of granting bail but still the Court has to consider whether their release would defeat the ‘ends of justice’. The words ‘ends of justice’ should be confined to the fact which shows that grant of bail itself is likely to a result in injustice and as per the exception provided under Section 12 (1) of the Act, 2015 if the Court finds that release would defeat the ‘ends of justice’ then bail can be denied to a juvenile. Although, various High Courts in most of the cases while dealing with the provisions of grant of bail as per Section 12 of the Act, 2015 have adopted an approach that a juvenile can be considered to be released on bail irrespective of gravity of offence but I am not convinced that the bail can be claimed by a juvenile as a matter of right and can be granted to the juvenile without considering the gravity of offence and nature of crime committed by him. As per the provisions of Section 12 of the Act, 2015, it is clear that there was no intent of the legislature to consider the grant of bail to a juvenile as his absolute right and that is why it carved out an exception under which bail can be denied, otherwise there was no occasion to attach proviso with Section 12(1) of the Act, 2015. My view gets strength by the view taken by the Supreme Court in the case of **Om Prakash Vs. State of Rajasthan and another** reported in (2012) 5 SCC 201 in which the Supreme Court in paragraphs-3 and 23 of its judgment has observed as under:

“3. The Juvenile Justice Act was enacted with a laudable object of providing a separate forum or a Special Court for holding trial of children/juveniles by the Juvenile Court as it was felt that children become delinquent by force of circumstance and not by choice and hence they need to be treated with care and sensitivity while dealing and trying cases involving criminal offence. But when an accused is alleged to have committed a heinous offence like rape and murder or any other grave offence when he ceased to be a child on attaining the age of 18 years, but seeks protection of the Juvenile Justice Act under the ostensible plea of being a minor, should such an accused be allowed to be tried by a Juvenile Court or should he be referred to a competent court of criminal jurisdiction where the trial of other adult persons are held?

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23. Hence, while the courts must be sensitive in dealing with the juvenile who is involved in cases of serious nature like sexual molestation, rape, gang rape, murder and host of other offences, the accused cannot be allowed to abuse the statutory protection by attempting to prove himself as a minor when the documentary evidence to prove his minority gives rise to a reasonable doubt about his assertion of minority. Under such circumstance, the medical evidence based on scientific investigation will have to be given due weight and precedence over the evidence based on school

> *administration records which give rise to hypothesis and speculation about the age of the accused. The matter however would stand on a different footing if the academic certificates and school records are alleged to have been withheld deliberately with ulterior motive and authenticity of the medical evidence is under challenge by the prosecution."*

8. However, in the case of Om Prakash (supra), there was some dispute with regard to the age of the accused but it is clearly observed by the Supreme Court while considering the crime committed by the juvenile and also considering the beneficial legislation i.e Act, 2015, has observed that the gravity of offence and nature of crime cannot be ignored. The Supreme Court in the case of Om Prakash (supra), while considering the provisions of Section12(1) of the Act, 2015 has observed as under:-

> *"30. Thus, it is no ultimate rule that a juvenile below the age of 16 years has to be granted bail and can be denied the privilege only on the first two of the grounds mentioned in the proviso, that is to say, likelihood of the juvenile on release being likely to be brought in association with any known criminal or in consequence of being released exposure of the juvenile to moral, physical or psychological danger. It can be equally*

> *refused on the ground that releasing a juvenile, that includes a juvenile below 16 years would "defeat the ends of justice." In the opinion of this Court the words "defeat the ends of justice" employed in the proviso to Section 12 of the Act postulate as one of the relevant consideration, the nature and gravity of the offence though not the only consideration in applying the aforesaid part of the dis entitling legislative edict. Other factors such as the specific need for supervision or intervention, circumstances as brought out in the social investigation report and past conduct of the child would also be relevant that are spoken of under Section 18 of the Act."*

9. This case involves sensitive allegations of sexual assault on a child below the age of 5 invoking the provisions of the JJ Act and the POCSO Act aimed at safeguarding children while balancing the rights and status of the juvenile accused under the law. Such unnatural acts shatter societal trust and innocence demanding stringent denial of bail to shield the vulnerable child from influence and uphold justice's moral imperative against predation on the defenseless.

10. In the present case also from the record it appears that, as per the

prosecution case, the incident occurred at night and the appellant/juvenile is alleged to have played a primary and active role in the occurrence, wherein a sharp-edged weapon was used causing serious injuries that ultimately resulted in the death of the victim. The weapon used in the incident and the clothes worn at the relevant time were seized during investigation.

11. The plea taken on behalf of the appellant/juvenile that the act was committed in private defence is not supported by the material collected during investigation. No circumstance is reflected from the case diary or accompanying documents which prima facie establishes that the occurrence took place in exercise of the right of private defence.

12. The Social Investigation Report further indicates that the appellant/juvenile was under adverse influence, lacked proper supervision, and there exists a likelihood of his coming into association with undesirable elements if released at this stage. The report also notes the necessity of supervision and corrective measures.

13. Considering the nature and gravity of the offence, the manner of its commission, the time and place of occurrence, and the material collected during investigation, this Court is of the view that releasing the appellant/juvenile at this stage would not be in his best interest and may also defeat the ends of justice.

14. The learned Trial Court has passed a reasoned and well-considered order after appreciating the available material. No

illegality, perversity, or jurisdictional error is found in the impugned order warranting interference by this Court.

15. The revisional powers under Section 102 of the Juvenile Justice Act circumscribe interference absence jurisdictional error; here, JJB and Sessions Court rightly prioritized child protection over routine bail for henious offence of murder. Philosophical reflection reveals such acts as profound societal ruptures-violating the innate dignity and inviolabilities of childhood, echoing Kantian imperatives against treating humans as means, and underscoring eudemonia as communal virtue demanding collective vigilance to restore moral order.

16. As a general parlance, bail is the rule in the case of a juvenile and places the burden for denying the bail on the prosecution to show that on the parameters specified in the proviso to Section 12 of the Act, 2015, bail should be denied to a juvenile. But here in this case, I am of the opinion that since at the time of committing the offence, the age of the applicant was about 16 years and if he is released on bail the expression defeat the ‘ends of justice’ would frustrate the confidence as repose for the society. No doubt, the Juvenile Act is a beneficial legislation intended for reformation of the juvenile/child in conflict with law, but the law also demands that justice should be done not only to the accused, but also to the accuser. Thus, while considering the room for granting the bail to a juvenile, the Court has to consider the surrounding facts and circumstances. The alleged act of the applicant/accused itself

shakes the conscience of the society. The offence is obviously heinous in nature and if he is released on bail, it would defeat the ‘ends of justice’.

17. In view of the overall facts and circumstances, I am of the opinion that the present revision filed under Section 102 of the Act, 2015 does not deserve to be allowed and accordingly, the same stands **rejected**.

Sd/-

(Arvind Kumar Verma)

JUDGE

Madhurima