

IN THE BOARD OF THE PRINCIPAL MAGISTRATE
JUVENILE JUSTICE BOARD, SURAT.

Bail Application No. CRMA-J 13106 of 2026

In the Matter of: X [Child in conflict with law] v/s State.

Crime Register No:11210056261519 of 2026

Police Station: Dindoli Police Station, Surat.

Under sections: Sections- 64,64(2)(I), 64(M), 65(1), 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023 & Section 4, 5(j)(2) r/w 6, 8, 12 of the POCSO Act.

Appearance: Ld. Advocate Mr. P.P. Agrawal on behalf of the C.C.L.

Ld. A.P.P. Mr. V.G. Patel on behalf of the State.

-//ORDER UPON BAIL APPLICATION//-

1. This is an application for seeking regular bail (*after chargesheet*) in connection with the offences punishable under Sections- 64,64(2)(I), 64(M), 65(1), 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023 & Section 4, 5(j)(2) r/w 6, 8, 12 of the POCSO Act. registered against the present C.C.L. filed on behalf of the Child in Conflict with Law (*hereinafter referred to as "CCL"*) through his guardian.

2. The Learned counsel for the CCL has vehemently stated that under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, bail is a mandatory rule for a juvenile, irrespective of the nature of the offence. That the juvenile is wrongly implicated in the present offence. It is further submitted that the CCL's prolonged detention in an observation home will adversely affect his psychological well-being. That the guardian of the CCL is ready to furnish necessary surety/bail-bond and are ready to abide by all the conditions of bail imposed and shall ensure that the child does not fall into bad company. That the chargesheet has already been filed in the matter. And hence by mainly stating the reasons mentioned in his bail application, the Ld. Advocate for the Applicant-jvenile has urged to kindly allow the present application.

3. Per-Contra the Learned Assistant Public Prosecutor (A.P.P.) has vehemently opposed the present bail application, by mainly stating that the release of the juvenile at this stage may lead to repetition of the offence. That, the CCL is apprehended in a case involving serious offences. And hence; has mainly urged to reject the present bail application of the C.C.L.

4. As per the established jurisprudence of Section 12 of the JJ Act, 2015, a juvenile must be released on bail unless there are reasonable grounds to believe that the release of the juvenile will:

a) Bring the juvenile into association with known criminals: Release poses a high risk that the child will fall under the negative influence of adult or known offenders.

b)Expose the child to moral, physical, or psychological danger: The child's surroundings, home environment, or associations pose an immediate, tangible threat to their safety, health, or mental well-being.

c) Defeat the ends of justice: Releasing the juvenile would directly interfere with the judicial process (e.g., tampering with evidence, threatening witnesses, or absconding).

5. Considering the facts of the present case at hand, it appears that the alleged offences include offences that are serious in nature & non-bailable offences and the prescribed punishment is also on a heavier side. Further, the present supporting CCL was acting with a gang/group and the release may put him back with same co-accused / adults who committed the offence. Further, from the IO Report it transpires that the CCL did not just have his mere presence but also provided active support in the commission of the alleged offence. Hence, it does prima-facie appear that he did share the common intention. Further, the adult offenders may influence the present CCL if released upon bail. Hence, the release may defeat the ends of justice and would put the CCL back with the same co-accuseds/adults who committed murder. Further, if the child in conflict with law is released; he may re-indulge in other such offences and would re-establish contact with other adult criminals. Further, the present case falls under the exceptions to section

12 of the Juvenile Justice Act and releasing the juvenile would directly interfere with the judicial process.

6. Further, it has been clearly held by The Hon'ble Apex Court in the case of **Virupakshappa Gouda v. The State Of Karnataka [AIR 2017 SC 1685]** that “*Needless to say, filing of the charge-sheet does not in any manner lessen the allegations made by the prosecution. On the contrary, filing of the charge-sheet establishes that after due investigation the investigating agency, having found materials, has placed the final report for trial*”.

6.1 Keeping in view the peculiar facts and circumstances of the present case, it does not appear just and proper to release the present CCL in the interest of the juvenile itself. Further, it prima-facie appears that the applicant-juvenile is alleged to have played an active role in commission of the alleged offence. Further the gravity of offence and nature of crime cannot be ignored in toto. Further, the detention acts not as a penalty, but as a mandatory intervention for the juvenile's own safety and future and well-being.

7. Hence, in view of the aforesaid discussions and considering the facts and circumstances as well as the case-record in the case at hand; and, given the nature and gravity of the present offence, the Board is of the view that grant of bail at this stage would defeat the ends of justice and hence is not inclined to exercise its discretion in favour of the applicant-juvenile. Hence, the following order is passed in the interest of justice:-

-//ORDER//-

1. The present bail application is hereby ***rejected***.

Order signed and pronounced in the open Board on this 8th day of August, 2026.

Member-1

Member-2

(K.V. Pathak)

(Dr. P.M.Kakadiya)

(Dr. A.M.Mahida)

Principal Magistrate,

J.J.B., Surat

J.J.B., Surat

Juvenile Justice Board ,Surat.