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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 189 of 2026

XYZ (Juvenile In Conflict With Law) (Description Of Applicant And Legal Guardian Is In Closed Envelope)

... Applicant

versus

State Of Chhattisgarh Through The Station House Officer, Police Of Police Station Chirmiri District M.C.B. (C.G.)

... Respondent

For Applicant : Ms. Gunja Taram, Advocate

For Respondent : Mr. Anish Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order on Board

23/02/2026

1. The victim's mother appeared in person before this Court today and objected in granting bail to the applicant.
2. The present Criminal Revision under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short "the Act, 2015") has been preferred against the impugned order dated 08.12.2025 passed by learned Special Judge (under POCSO Act), Chirmiri, District Koriya

(CG) in Criminal Appeal No.86/2025, upholding the order dated 24.09.2025 passed by the Principal Magistrate, Juvenile Justice Board, Baikunthpur, District – Koriya (C.G.) in Criminal Case No.87/2025 rejecting the bail application of applicant ('V') in connection with Crime No. 210/2025 registered at Police Station Chirmiri, District – Koriya (C.G.) for the offence punishable under Sections 65(1), 3(5) of BNS, Section 67(B) of the IT Act and Sections 4 & 6 of the POCSO Act.

3. As per the prosecution's case, the mother of the victim made a written report stating that the victim resided with her maternal uncle and aunt in Azad Nagar, Godripara, and was employed at V. Y. Hospital, Raipur. On 12th September, 2025, the mother learned through the victim's aunt (Mami) that an obscene video of the victim was going viral. Upon arriving home from Raipur that night and questioning, the victim revealed that on 29th August, 2025, at approximately 1:30 PM, her friend took her by the applicant (V) and another juvenile (S) under the pretext of going to a shop. From there, they went to V's house where other friends were already present. While they were playing Uno game, 'V' brought cold drinks for everyone. Shortly after consuming the drink, the victim began to feel a headache and went to another room to lie down. During

this time, 'S' removed her clothes, committed sexual intercourse whereas the applicant is alleged to have taken obscene photos and videos on his mobile and made them viral. Following a complete investigation, offence was registered against the applicant and he was arrested on 14.09.2025.

4. Learned counsel for the applicant submits that the applicant has no criminal antecedents, he is innocent and has been falsely implicated in the crime in question. The applicant is aged about 15 years and he is in the observation home since 14.09.2025. The applicant is a student of 10th Class. He further submits that there is no likelihood that his release would bring him into association with any known criminal or expose him to moral, physical or psychological danger. The learned Courts have in mechanical manner rejected the bail. Considering the provisions of the Act, 2015, the applicant may be released on bail.
5. On the other hand, learned counsel for the State opposes the prayer for the grant of bail and submits that at the time of incident the victim was minor and considering the nature of offence, the applicant does not deserve to be released on bail.
6. Section 12 of the Act, 2015 makes it absolutely clear that a

child alleged to be in conflict with law should 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 only embargo created is that in case the release of the child is likely to bring him into association with known criminals or expose the child to moral, physical or psychological danger or where the release of the child would defeat the ends of justice, then bail can be denied.

7. Be that as it may, a social status report submitted by the concerned Probation Officer dated 13.02.2026 shows that the Child in Conflict with the Law is a first-time offender who has been involved in the matter due to providing of mobile phone. He is a student of 10th class and his behaviour is good. The social status report is not adverse to the applicant. Besides, it does not indicate anywhere in the said report that the release of the applicant on bail would bring him in association with any known criminal or expose him to moral, physical or psychological danger or would otherwise defeat the ends of justice. In view thereof, none of the grounds are thus available to reject the application filed under Section 12 of the Act, 2015.
8. Accordingly, the orders passed by Special Judge (POCSO Act), Chirmiri, District Koriya and the Juvenile Justice Board are set aside, and the Revision is **allowed**. It is

directed that on furnishing a personal bond in the sum of **Rs.25,000/-** by the parents/guardian with one local surety in the like sum to the satisfaction of the concerned Court, for appearance of the applicant as and when directed, the applicant shall be given in custody of the said guardian. Along with the bail bond, copies of the Aadhar Card and coloured Post Card full size photo shall also be submitted by the applicant as well as by the surety, which shall be duly verified by the trial Court.

9. It is observed that the person stands as surety will furnish an undertaking that the applicant shall not come in contact with any bad element and in case, if he is found to be indulged in any unlawful act, the surety/father of the applicant shall inform to the concerned Police Station.

Sd/-
(Sanjay Kumar Jaiswal)
Judge