

IN THE HIGH COURT OF JHARKHAND, RANCHI
Criminal Revision No. 1250 of 2024

Juvenile 'X' through his father

.... Petitioner

-- Versus --

The State of Jharkhand

.... Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :- Mr. Nilesh Kumar, Advocate

For the State :- Mrs. Anuradha Sahay, Advocate

04/18.09.2025 Heard learned counsel appearing for the petitioner
and learned counsel appearing for the State.

2. This criminal revision has been preferred against the order dated 15.10.2024 passed in Misc. Criminal Application No.2808 of 2024 arising out of Chutia P.S. Case No.122 of 2024 by the learned Additional Judicial Commissioner-IV-cum-Special Judge, POCSO, Ranchi registered under Section 376 of Indian Penal Code, Section 6 of POCSO Act and Section 67(A) of Information Technology Act arising out of Children Case No.07 of 2024 pending in the Court of learned Additional Judicial Commissioner – IV-cum-Special Judge, POCSO, Ranchi by which the bail application filed by the petitioner has been rejected.

3. Learned counsel for the petitioner submits that the petitioner is juvenile aged about 17 years at the time of alleged occurrence and he is being represented by his father and he is

ready to give any undertaking. He further submits that the petitioner is in remand home since 04.06.2024. He then submits that in the social investigation report it has come that if the petitioner is allowed to remain in custody for longer period that may adversely affect the petitioner and further in the social investigation report it has come that out of love the same act has been done by the petitioner. He next submits that in the medical report there is nothing against the petitioner. He submits that the learned Court has been pleased to dismiss the petition only on the ground that there is chance of associating the petitioner with any known criminals and from exposing him to moral, physical or psychological danger.

4. Learned counsel appearing for the State opposes the prayer and submits that the allegations are there and the learned Court has rightly rejected the bail application.

5. In view of above submission of learned counsel appearing for the parties, it is an admitted position that the petitioner is juvenile aged about 17 years at the time of alleged occurrence and he is in remand home since 04.06.2024 and it has come in the social investigation report that if the petitioner will be allowed to remain in custody for longer period that may adversely affect the petitioner and the petitioner is being represented by his father and he is ready to give any undertaking.

6. Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, deals with bail to juveniles. On perusal of Section 12 of the J.J. Act, 2015, it is crystal clear that that Section 12 of the Act overrides the bail provisions as contained in the Criminal Procedure, 1973 or any other law for time being in force. It is further crystal clear that bail to the juvenile is a rule and refusal of the same is an exception and juvenile can be denied bail only on the following three grounds :

(i) if there appear reasonable grounds for believing that the release is likely to bring that person into association with any known criminal, or

(ii) expose the said person to moral, physical or psychological danger, or

(iii) the person's release would defeat the ends of justice.

7. In light of Section 12 of the said Act, it also transpires that seriousness of the alleged offence or the age of the juvenile are also no relevant consideration for denial of bail above 16 years of age and is alleged to have committed a heinous offence is also entitled to get bail under Section 12 of the Act, 2015 with regard to grant of bail. Section 12 of the Act is applicable to all juveniles in conflict with law without any discrimination of any nature.

8. The learned Court has been pleased to reject the bail application only on the ground that the petitioner will expose to moral, physical or psychological danger that does not found to be good reason.

9. The gravity of allegation has not been properly appreciated and mandatory provision of Section 12 of Juvenile Justice Act as well as other provisions relating to the juvenile has declined to grant bail to the juvenile on the basis of unfounded apprehension is not the spirit of Juvenile Justice Act. In the absence of any materials or evidences of reasonable grounds, it cannot be said that his release would defeat the ends of justice and the learned Court has failed to give reasons on three contingencies for declining the bail to the revisionist.

10. In view of the aforesaid discussion, the order dated 15.10.2024 passed in Misc. Criminal Application No.2808 of 2024 arising out of Chutia P.S. Case No.122 of 2024 by the learned Additional Judicial Commissioner-IV-cum-Special Judge, POCSO, Ranchi is not sustainable in the eye of law, hence the order is hereby set aside and the present criminal revision is allowed.

11. Let the revisionist who is in observation home since 04.06.2024 be released on bail via assurance and surety given by his natural guardian/father, in connection with Misc. Criminal Application No.2808 of 2024 arising out of Chutia P.S. Case No.122 of 2024, registered under Section 376 of Indian Penal Code, Section 6 of POCSO Act and Section 67(A) of Information Technology Act after furnishing a personal bond on his father (Krishna Kumar Sharma) with two sureties of his relatives each in the like amount to

the satisfaction of learned Additional Judicial Commissioner-IV-cum-Special Judge, POCSO, Ranchi, subject to the following conditions:

(i) Natural guardian/father will furnish an undertaking that upon release on bail the revisionist will not be permitted to go into contact or association with any known criminal or allowed to be exposed to any moral, physical, or psychological danger and further that the father will ensure that the juvenile will not repeat the offence.

(ii) Natural guardian/father will further furnish an undertaking to the effect that the juvenile will pursue his study at the appropriate level which he would be encouraged to do besides other constructive activities and not be allowed to waste his time in unproductive and excessive recreational pursuits.

(iii) Juvenile and natural guardian/father will report to the Probation Officer on the first Monday of every calendar month commencing with the first Monday of September, 2025, and if during any calendar month the first Monday falls on a holiday, then on the following working day.

(iv) The Probation Officer will keep a strict vigil on the activities of the juvenile and regularly draw up his social investigation report that would be submitted to the Juvenile Justice Board, Ranchi, on such a periodical basis as the Juvenile Justice Board may determine.

12. Before imparting the judgment, it is necessary to point out that the identity of the juvenile in the present matter has been disclosed in the impugned judgment and order which violates the right to privacy and confidentiality of the juvenile and against the law laid down by the Hon'ble Supreme Court in the case of ***Shilpa Mittal v. NCT Delhi, reported in (2020) 2 SCC 787*** wherein it was held that the identity of the juvenile shall not be disclosed.

13. The present revision has been filed by the revisionist through his natural guardian/father. The memo of parties discloses the name of the juvenile.

14. The Registry is directed to conceal the names of the juvenile from the cause list as well as the record of this case, so that the names and identities are not disclosed as directed by Hon'ble Supreme Court in the case of ***Shilpa Mittal (supra)***.

15. This criminal revision petition is allowed and disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated 18.09.2025
Sangam/