

Allahabad High Court

**Juvenile X (Minor) In Case Crime No. ... vs State Of U.P.
Thru. Prin. Secy. Home Lko. ... on 11 September, 2025**

Author: Saurabh Lavania

Bench: Saurabh Lavania

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH
Neutral Citation No. - 2025:AHC-LKO:55340 HIGH COURT
OF JUDICATURE AT ALLAHABAD LUCKNOW CRIMINAL REVISION
No. - 955 of 2024 Juvenile X (Minor) In Case
Crime No. 47/2024 Thru. His Father
.....Revisionist(s) Versus State Of U.P.
Thru. Prin. Secy. Home Lko. And 3 Others
.....Opposite Party(s) Counsel for
Revisionist(s) : Pramod Kumar, Shaista Parveen
Counsel for Opposite Party(s) : G.A.
Court No. - 11 HON'BLE SAURABH LAVANIA, J.

1. Case called out. No one appeared on behalf of the private opposite party Nos. 2 and 5 despite service of notice, as appears from the counter affidavit of State/order sheet. Learned AGA is present in the Court. In these circumstances and also taking note of the order of this Court dated 04.09.2025, which says "It is made clear that on the next date of listing, the case would not be adjourned on account of non-appearance of the opposite

party nos.2 and 5", the Court proceeded to hear the instant bail appeal on merits.

2. Heard learned counsel for the revisionist, learned A.G.A. for the State and perused the material placed on record.

3. This criminal revision under Section 102.. of the Juvenile Justice (Care and Protection of Children) Act, 2015 (in short "Act of 2015") has been filed against the judgment and order dated 22.07.2024, passed by the Appellate Court, Sultanpur in Criminal Appeal No. 35 of 2024, which was preferred against the order dated 16.05.2024 passed by the Juvenile Justice Board, Sultanpur, arising out of Case Crime No. 0047 of 2024, under Sections 363, 376 IPC and Sections 5M/6 of POCSO Act, Police Station- Jaisinghpur, District-Sultanpur.

4. Learned counsel for the revisionist has submitted that the revisionist has been falsely implicated in the case, inasmuch as, the revisionist has not committed any offence as alleged and the prosecution story is false, concocted and misconceived.

5. It is further stated that the revisionist, a juvenile, at the time of the incident was about 15 years, 8 months and 4 days is in incarceration since 12.03.2024. As per Section 18(1)(g) of the

Juvenile Justice (Care and Protection of Children) Act, 2015, the maximum punishment that can be awarded to a juvenile is three years which is however subject to the other provisions of the Act of 2015 including Section 21. Therefore, considering the period of incarceration already undergone, the juvenile is entitled to be released on bail.

6. Learned counsel for the revisionist has submitted that taking note of period of incarceration as also the law laid down by Hon'ble Supreme Court in the case of Union of India Vs. K.A. Najeeb reported in AIR 2021 SCC 712 and Paras Ram Vishnoi. Vs. The Director General Bureau of Investigation, passed in Criminal Appeal No.693 of 2021 (Arising out of SLP (Crl.) 3610 of 2020), according to which the bail can be granted to those accused persons on the ground that there is no possibility to conclude the trial in near future and there is a long incarceration period of that accused, the revisionist is entitled to be released on bail. Relevant para-16 of the case of K.A. Najeeb (supra) is quoted below:-

"This Court has clarified in numerous judgments that the liberty guaranteed by Part III of the Constitution would cover within its protective ambit not only due procedure and fairness but also access to justice and a speedy trial. In Supreme Court Legal Aid Committee Representing Undertrial Prisoners v. Union of India, it

was held that undertrials cannot indefinitely be detained pending trial. Ideally, no person ought to suffer adverse consequences of his acts unless the same is established before a neutral arbiter. However, owing to the practicalities of real life where to secure an effective trial and to ameliorate the risk to society in case a potential criminal is left at large pending trial, Courts are tasked with deciding whether an individual ought to be released pending trial or not. Once it is obvious that a timely trial would not be possible and the accused has suffered incarceration for a significant period of time, Courts would ordinarily be obligated to enlarge them on bail."

7. In the case of Paras Ram Vishnoi (supra), the Apex Court has observed regarding point of incarceration period and delay in trial. The relevant part of the said judgment is quoted below:-

"On consideration of the matter, we are of the view that pending the trial we cannot keep a person in custody for an indefinite period of time and taking into consideration the period of custody and that the other accused are yet to lead defence evidence while the appellant has already stated he does not propose to lead any evidence, we are inclined to grant bail to the appellant on terms and conditions to the satisfaction of the trial court."

8. Learned counsel for the revisionist has further submitted that long period of detention is cause of action and second bail can be considered on this fresh ground. He has invited attention of this Court towards the judgment of Hon'ble Apex Court in the case of Gokarakonda Naga Saibaba. Vs. State of Maharashtra,

(2018) 12 SCC 505. The relevant para-4 of the said judgment is quoted below:-

"4. Having given our thoughtful consideration to the submissions advanced at the hands of the learned counsel for the rival parties, specially the undisputed position that the petitioner has never been accused of having misused the concession of bail, we are of the view, that the submission made by the learned counsel for the respondent is extremely unfair. Since all the material witnesses have been examined and cross-examined, the release of the petitioner on bail ought not to have been opposed, especially keeping in mind the medical condition of the petitioner."

(Emphasis supplied)

9. It is further stated that allegations levelled against the appellant is completely false as to corroborate the same, there is no medical evidence.

10. It is also stated that on due medical examination, the doctor concerned found no injury over the body of the victim/prosecutrix, external or internal.

11. Taking note of aforesaid aspect of the case, the revisionist is entitled to be enlarged on bail and in case he is enlarged on bail, there is no apprehension that after being released on bail he may come with the contact of the known and unknown bet

criminals or may be exposed to moral, physical or psychological danger.

12. Learned AGA, on the other hand, submitted that no illegality has been committed by both the courts below as there was ample evidence against the revisionist, but he has not disputed the above submissions of learned counsel for the revisionist.

13. Thus having regard to overall facts and circumstances of the case as also the medical opinion as also the period of incarceration i.e. about eighteen months, I find force in the revision. Accordingly, the revision is allowed.

14. The judgment and order dated 22.07.2024, passed by the Appellate Court, Sultanpur in Criminal Appeal No. 35 of 2024, which was preferred against the order dated 16.05.2024 passed by the Juvenile Justice Board, Sultanpur, arising out of Case Crime No. 0047 of 2024, under Sections 363, 376 IPC and Sections 5M/6 of POCSO Act, Police Station- Jaisinghpur, District- Sultanpur, are hereby set aside.

15. Let Juvenile X (Minor) In Case Crime No. 47/2024 Thru. His Father be enlarged on bail, in the above mentioned case on executing a personal bond by his natural guardian with two

reliable sureties in the like amount to the satisfaction of the Court/Board concerned and on submission of undertaking on affidavit by his natural guardian that he will take due care of the juvenile, will not allow him to indulge in any unlawful or criminal activity or join the company of unlawful elements, will keep him under strict control, shall not attempt or tamper with the evidence or threaten the witnesses, shall not seek any adjournment on the date fixed for evidence, shall remain present before the trial Court on each date fixed either personally or through her counsel, failing which, the order of bail granted to Juvenile may be cancelled.

16. For a period of one year from today, the Juvenile shall appear before the District Probation Officer concerned along with his natural guardian on 10th of every month.

(Saurabh Lavania,J.) September 11, 2025 Mohit Singh/-

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