

Court No. - 12

Case :- CRIMINAL REVISION No. - 225 of 2021

Revisionist :- Ansh Verma @ Ravi Verma Thru. Mother Smt. Bal Mati

Opposite Party :- State Of U.P. And Anr.

Counsel for Revisionist :- Gauri Suwan Pandey, Divya Tripathi, Durga Prasad, Prashant Chaudhary

Counsel for Opposite Party :- G.A., Rama Niwas Pathak

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the revisionist, learned A.G.A. for the State and perused the record.

2. This Criminal Revision has been filed for quashing the order dated 04.02.2021 passed by learned Special Judge P.O.C.S.O. Act, First/Additional Sessions Judge, Faizabad/Ayodhya in Criminal Appeal (J) No. 05 of 2021 (***Ansh Verma alias Ravi Verma versus State of U.P.***) and the order dated 8.01.2021 passed by Juvenile Justice Board, Faizabad/Ayodhya rejecting bail application in S.T. No.77 of 2019 (***State versus Ansh Verma***) arising out of Crime No. 382 of 2018 under Sections 302, 201, 376 I.P.C., Police Station- Gosainganj, District Faizabad/Ayodhya.

3. It is evident from the record that notice has already been served but none appears on behalf of private respondent/complainant. The case is pending since 2021, therefore, the same is being decided.

4. Learned counsel for the revisionist submits that revisionist has been falsely implicated in the present case merely on the basis of presumption. As per the prosecution case, the deceased persons were killed by revisionist with iron plate, brick and 'danda'. In the post-mortem report, six incised wounds were found on the body of Priyanka and four incised wound were found on the body of Moni but the same has not been explained. She further submits that revisionist is in jail since 24.12.2018 and there is no possibility of conclusion of trial in near future. It is further submitted that bail application of revisionist was rejected by Juvenile Justice Board without considering the evidence collected by Investigating Officer as well as D.P.O. Report. It is further submitted that the appeal was also rejected by appellate authority. It is also submitted that

revisionist does not have any criminal antecedent, the D.P.O. Report is also not against revisionist. It is, thus, submitted that revisionist is entitled to be enlarged on bail.

5. Learned A.G.A. opposes the prayer of revisionist but he does not dispute over the above submissions.

6. The submission of learned counsel for the revisionist is that it is not in dispute that the revisionist is a juvenile and is entitled to the benefits of the provisions of Juvenile Justice (Care and Protection of Children) Act, 2000. It has been submitted that under Section 12 of the Juvenile Justice Act, prayer for bail of a juvenile can be rejected 'if there appears reasonable grounds for believing that the release of the juvenile is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice'.

7. This Court has to see whether the opinion of the appellate Court as well as Juvenile Justice Board recorded in the impugned orders are in consonance with the provision of Section 12 of the Juvenile Justice (Care and Protection of Children) Act 2015. Section 12 of the Act lays down three contingencies in which bail could be refused to juvenile, which are as follows:

(1) if the release is likely to bring him into association with any known criminal, or

(2) expose him to moral, physical or psychological danger, or

(3) that his release would defeat the ends of justice.

8. Admittedly, gravity of the offence has not been mentioned as a ground for rejection of bail under Section 12 of the Act.

9. It has further been submitted that gravity of the offence could not be relevant for refusing grant of bail to the juvenile, as has been held by this Court in ***Shiv Kumar alias Sadhu Vs. State of U.P. [2010 (68) ACC 616]*** and it has been a consistent view of various courts. It has also been submitted that there exists no material to justify rejection of bail on the grounds envisaged by Section 12 of the Act. There is nothing on record to show that the revisionist is exposed to any moral, physical or psychological danger.

10. In para 33 of the judgment rendered in the case of ***Om Prakash Vs. State of Rajasthan and another [(2012) 5 SCC 201]***, Hon'ble Apex Court has held that:

"statutory protection of the Juvenile Justice Act is meant for minors who are innocent law-breakers and not accused of matured mind who use the plea of minority as a ploy or shield to protect himself from the sentence of the offence committed by him, otherwise would amount to subverting the course of justice".

.....the Court observed that this would clearly be treated as an effort to weaken the justice dispensation system."

11. Learned trial court as well as appellate court quoted the case law ***Virendra Vs. State of U.P. in Criminal Revision No. 345 of 2011*** but did not discuss as to how the case law will apply in this case. In case of Virendra, the accused/juvenile is in conflict with law committed rape with murder and that was found heinous in nature. The fact of this case altogether are different with the case of ***Virendra (supra)***.

12. Learned trial court as well as appellate court did not discuss the case law of ***Virendra (supra)*** in the light of the factual matrix of this case. In this case, revisionist has no criminal antecedents.

13. In view of the above, the present revision is **allowed** and the order dated 04.02.2021 passed by learned Special Judge P.O.C.S.O. Act, First/Additional Sessions Judge, Faizabad/Ayodhya in Criminal Appeal (J) No. 05 of 2021 (***Ansh Verma alias Ravi Verma versus State of U.P.***) and the order dated 8.1.2021 passed by Juvenile Justice Board, Faizabad/Ayodhya rejecting bail application in ST No.77 of 2019 (***State versus Ansh Verma***) arising out of Crime No. 382 of 2018 under Sections 302, 201, 376 I.P.C., Police Station-Gosainganj, District Faizabad/Ayodhya are hereby **set aside**.

14. Let revisionist, namely, **Ansh Verma @ Ravi Verma Thru. Mother Smt. Bal Mati** be released on bail in Crime No. 382 of 2018 under Sections 302, 201, 376 I.P.C., Police Station-Gosainganj, District Faizabad/Ayodhya on furnishing of a personal bond alongwith an undertaking on behalf of revisionist by his legal guardian/mother to the effect that he will not permit the revisionist to come in association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice and provide no occasion to the revisionist whereby his release on bail would defeat the ends of justice, by his legal guardian/mother and two sureties each in the like amount to the satisfaction of the Court concerned subject to following conditions:-

(1) Revisionist will not try to influence the witnesses or tamper

with the evidence of the case or otherwise misuse the liberty of bail.

(2) Revisionist will fully cooperate in expeditious disposal of the case and shall not seek any adjournment on the dates fixed for evidence when witnesses are present in the Court.

(3) Revisionist shall remain present, in person, before the Board on the dates fixed for (a) opening of the case; (b) framing of charge; and (c) recording of statement under Section 313 Cr.P.C. If in the opinion of the Board that absence of the revisionist is deliberate or without sufficient cause, then it shall be open for the Board to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

15. Any violation of above conditions will be treated misuse of bail and Board will be at liberty to pass appropriate orders in the matter regarding cancellation of bail.

Order Date :- 14.12.2023

Arpan