

Court No. - 29

Case :- CRIMINAL REVISION No. - 253 of 2024

Revisionist :- Juvenile X, Accused Of Case Cr. No. 72/2023 Thru. Natural Guardian/Mother

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home, Deptt. Civil Sectt. Lko. And 3 Others

Counsel for Revisionist :- Rakesh Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

Heard Shri Rakesh Kumar Tripathi, learned counsel for the applicant-revisionist and learned AGA for the State.

This revision under section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 is directed against the judgement and order dated 19.02.2024 passed by learned Special Judge (POCSO Act)/Additional Sessions Judge, Court No.14, Sitapur in Criminal Appeal No.03 of 2024 dismissing the said appeal arising out of order dated 06.01.2024 passed by Juvenile Justice Board, Sitatpur (hereinafter referred to as the 'Board') in Criminal Case No.63 of 2023 arising out Case Crime No.72 of 2023, under Section 376 IPC, Police Station-Imaliya Sultanpur, District- Sitapur rejecting the bail application of the revisionist (juvenile).

The following arguments made by learned counsel for the applicant-revisionist, which could not be satisfactorily refuted by Shri S.P. Tiwari, learned AGA for the State, entitle the applicant-revisionist for grant of bail:-

1. The applicant-revisionist is a juvenile who is 16 years of age.
2. The applicant-revisionist and the victim became intimate. They had a consensual physical relationship.
3. The relationship could not be consummated on account of family opposition of both the parties.
4. The criminal case has been registered only to deflect attention from the conduct of the victim.
5. The victim was never confined or bound down. She was present at various public places. The victim never raised an alarm nor did she resist the applicant-revisionist. The conduct of the victim shows that she was a consenting party.
6. The applicant-revisionist is a young student of Class 10. His career shall be jeopardized if he continues to be lodged in the observation home.

In the light of the preceding discussion and without making any observations on the merits of the case, the revision is allowed. The orders impugned dated 06.01.2024 passed by the Juvenile Justice Board and 19.02.2024 passed by the learned Special Judge (POCSO Act)/Additional Sessions Judge, Court No.14, Sitapur are set-aside.

The revisionist- Juvenile X, involved in the aforesaid case be released on bail on his furnishing a personal bond through his natural guardian and two sureties each

in the like amount to the satisfaction of the Board concerned.

Order Date :- 21.3.2024

Ashish Tripathi