



CGHC010266332026



2026:CGHC:30313

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 886 of 2026

Xyz Accused (In Observation Home)

... Applicant

versus

State Of Chhattisgarh Through The Station House Officer, Police Station,
Ranchirai, District - Balod (C.G.)

... Respondent

(Cause title taken from Case Information System)

For Applicant : Mr. Sudhanshu Kumar Singh, Advocate

For Respondent/State : Ms. Vaishali Mahilong, Deputy G.A.

Hon’ble Shri Justice Ravindra Kumar Agrawal

Order on Board

16/07/2026

1. This present is a criminal revision filed by the applicant under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 read with Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023.
2. This is the second round of criminal revision filed by the applicant. The applicant had earlier filed Criminal Revision No. 1126 of 2025 under

Section 102 of the Act of 2015, which has been dismissed vide order dated 27.10.2025 by this Court. Thereafter, the applicant again moved his bail application under Section 12 of the Act of 2015 before the learned Juvenile Justice Board, which was dismissed vide order dated 17.06.2026. Thereafter, the applicant challenged the order dated 17.06.2026 by filing his appeal under Section 101 of the Act of 2015 before the learned Additional Sessions Judge, FTSC (POCSO Act), Balod, in Criminal Appeal No. 61 of 2026, and the said appeal has also been dismissed on 25.06.2026. Thereafter, the present criminal revision has been filed by the applicant.

3. The applicant is claiming regular bail, who is a juvenile in conflict with law and has been arrested on 13.05.2025 in connection with Crime No. 60 of 2025 registered at Police Station, Ranchirai, District Balod for the offence under Sections 103, 191(2) of the Bharatiya Nyaya Sanhita, 2023.
4. Learned counsel appearing for the applicant would submit that the applicant is in jail since 13.05.2025 and, till date, only 03 witnesses have been examined out of total 63 witnesses. He would further submit that the material witnesses have been examined, but they have not fully supported the prosecution's case and, therefore, the applicant may be enlarged on bail.
5. On the other hand, learned counsel appearing for the State opposes and has submitted that the criminal revision filed by the applicant with respect to grant of bail has already been rejected by this Court vide

order dated 27.10.2025 and this is the second round of bail application in the form of criminal revision. As the trial of the case has been started and 03 witnesses have been examined, therefore, the applicant is not entitled to be released on bail.

6. I have heard learned counsel for the parties and perused the material annexed with the bail application.
7. The applicant had earlier approached this Court by filing Criminal Revision No.1126 of 2025 challenging rejection of his prayer for bail. This Court, after examining the scope of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the Social Investigation Report and the attending facts and circumstances of the case, vide order dated 27.10.2025, recorded a categorical finding that the case of the applicant was covered by the exceptions engrafted under Section 12(1) of the Act of 2015 and, accordingly, declined to grant him the benefit of bail.
8. Before considering the case of the applicant, it would be appropriate if Section 12(1) of the Act of 2015 is taken into consideration, and for ready reference, the same is being reproduced hereinunder:-

“Section 12:(1) When any person accused of a bailable or non-bailable offence, and apparently a juvenile, is arrested or detained or appears or is brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released

on bail with or without surety [or placed under the supervision of a Probation Officer or under the care of any fit institution of fit person] **but he shall not be so released if there appear reasonable grounds for believing that the release 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.**"

A plain reading of Section 12(1) of the Act of 2015 by itself gives a clear indication that under the normal circumstances, as a matter of routine, in case an accused person happens to be a juvenile and is arrested, detained, and is brought before the Board, such person notwithstanding anything contained in either Code of Criminal Procedure or under any other special law, which is in force should be released on bail. But at the same time the latter part of sub-section (1) of Section 12 clearly envisages the fact that in a given factual background of a case if it appears to the Court that releasing of said juvenile can bring him into association of the company with which he landed himself in the remand home, or he may get exposed to moral and psychological danger, as also exposing himself to physical danger, the juvenile may not be released. That means, in the event the circumstances surrounding the juvenile shows that upon his release from the observation home can lead to exposing the juvenile to both moral as well as psychological danger, the Court may refuse to release the juvenile on bail.

9. In order to examine whether any of three exceptions of Section 12(1) of the Act of 2015 is present in the case, social status report of the applicant was called for by this Court vide its order dated 12.09.2025 and a copy of which is also placed by the State counsel at the time of hearing of the case in the present revision.
10. Although the bail may be a rule, but under three circumstances, the benefit of bail can be denied to a juvenile, where such an offence of murder has been committed, release of juvenile applicant on bail would definitely defeat the ends of justice. One of the exceptional circumstances, wherein the benefit of bail can be denied to a juvenile is that “in case, the release would defeat the ends of justice”. Justice is not a one-way street that it is only to be appreciated from the point of view of the juvenile in conflict with law. It is also a concept, which would be alive both for the victim and for the society at large.
11. In the present revision, the only subsequent development pointed out by learned counsel for the applicant is that the applicant has remained in the Observation Home since 13.05.2025 and, during the course of trial, only 03 prosecution witnesses out of 63 witnesses have been examined. Except for the aforesaid circumstance, no other material has been placed before this Court to demonstrate that there has been any substantial or material change in the factual or legal circumstances after dismissal of the earlier criminal revision, warranting reconsideration of the issue of bail.

12. It is trite that while exercising revisional jurisdiction under Section 102 of the Act of 2015, this Court is not expected to re-appreciate the entire material as if sitting in appeal. The scope of interference is confined to examining the legality, validity and propriety of the order passed by the Appellate Court. Unless the impugned order suffers from perversity, manifest illegality or jurisdictional error resulting in miscarriage of justice, interference in revisional jurisdiction would not be justified.
13. In view of the aforesaid discussion, this Court is of the considered opinion that the impugned judgment passed by the learned Appellate Court does not suffer from any perversity, illegality or jurisdictional error warranting interference in exercise of revisional jurisdiction. Since no material change in circumstances has been established after dismissal of the earlier criminal revision by this Court on 27.10.2025, no case for grant of bail is made out. Consequently, the present criminal revision, being devoid of merit, deserves to be and is accordingly **dismissed**.
14. However, considering the period of detention undergone by the applicant and the submission that only 03 out of 63 prosecution witnesses have been examined, the learned Juvenile Justice Board, Balod, is directed to make every endeavour to conclude the trial as expeditiously as possible, without granting unnecessary adjournments to either of the parties.

Sd/-
(Ravindra Kumar Agrawal)
Judge

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