

**HIGH COURT OF UTTARAKHAND AT NAINITAL****Criminal Revision No. 603 of 2025****06 August, 2026**

A, Through His Natural Guardian Revisionist

Versus

State Of Uttarakhand Respondent

Presence:-

Ms. Pushpa Joshi learned senior counsel assisted by Ms. Nipushmola Joshi, learned counsel for revisionist.

Mr. Prabhat Kandpal, learned A.G.A. for the State.

Hon'ble Mr. Alok Mahra, J. (Oral)

By means of the present criminal revision, the revisionist has assailed the judgment and order dated 01.08.2025 passed by the learned Juvenile Court/F.T.C./Additional Sessions Judge/Special Judge (POCSO), Rudrapur, District Udham Singh Nagar in Criminal Appeal No. 178 of 2025, whereby the appeal preferred by the revisionist was dismissed and the order dated 02.07.2025 passed by the Juvenile Justice Board, Rudrapur rejecting his bail application was affirmed. The revision arises out of F.I.R. No. 124 of 2025 dated 18.04.2025, registered under Sections 103(1) and 109 of the B.N.S. at Police Station Jaspur, District Udham Singh Nagar.



2. Learned Senior Counsel appearing for the revisionist would submit that the impugned judgment and order dated 01.08.2025, affirming the order of the Juvenile Justice Board, is illegal, arbitrary and contrary to the material available on record. It is contended that both the courts below failed to appreciate the true scope and object of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, which creates a statutory presumption in favour of grant of bail to a child in conflict with law, irrespective of whether the alleged offence is bailable or non-bailable, unless any of the exceptions enumerated in the proviso to Section 12(1) are attracted; that, the bail application has been rejected merely considering the gravity and seriousness of the alleged offence, which by itself is not a valid ground for denial of bail under Section 12 of the Act.

3. Learned senior counsel would further submit that both the courts below failed to properly consider the Social Investigation/Social Assessment Report placed on record, wherein it has been noticed that the revisionist was suffering from mental incapacity. It is argued that the said report required due consideration while deciding the bail application and, if necessary,



appropriate steps ought to have been taken in accordance with the provisions of the Juvenile Justice Act; that, during investigation, the statements of the complainant as well as the injured were recorded and they have not supported the prosecution version. According to the learned Senior Counsel, none of the statutory exceptions contemplated under the proviso to Section 12(1) of the Act have been established so as to justify denial of bail.

4. She would further submit that the mental condition of the revisionist is not satisfactory and his continued detention in custody would expose him to hardened criminals and adversely affect his physical and psychological well-being, thereby defeating the very object of the Juvenile Justice Act, which is reformatory and rehabilitative in nature. It is, therefore, prayed that the impugned orders be set aside and the revisionist be released on bail.

5. Per contra, learned State Counsel vehemently opposed the revision and submitted that the Medical Board constituted to examine the mental condition of the revisionist has reported that the revisionist is not suffering from any mental illness; rather, he is addicted



to smack and alcohol. It is further submitted that the offence alleged against the revisionist is grave and heinous in nature and, considering the overall facts and circumstances of the case, the courts below have rightly exercised their discretion in rejecting the bail application. Learned State Counsel further submitted that although the complainant and the injured, in their examination-in-chief, did not support the prosecution case, they have supported the prosecution version during their cross-examination. It is thus contended that no interference is warranted in exercise of revisional jurisdiction.

6. Heard learned counsel for the parties and perused the material available on record.

7. Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 provides for grant of bail to a child alleged to be in conflict with law. The provision mandates that a child shall ordinarily be released on bail notwithstanding anything contained in the Code of Criminal Procedure or any other law for the time being in force. However, such bail may be denied if there appear reasonable grounds for believing that the release of the child is likely to bring him into association



with any known criminal, expose him to moral, physical or psychological danger, or where his release would defeat the ends of justice. The reasons for denial of bail are required to be specifically recorded by the competent authority.

8. The material placed before this Court reflects that at the time of the alleged incident the revisionist was approximately 18 years of age and is alleged to have committed a heinous offence punishable under Sections 103(1) and 109 of the B.N.S.. The courts below have recorded a categorical finding that, having regard to the nature of the allegations and the attendant circumstances, release of the revisionist at this stage would be likely to defeat the ends of justice, which is one of the recognised exceptions under the proviso to Section 12(1) of the Act.

9. This Court has also considered the contention regarding the alleged mental incapacity of the revisionist. However, the Medical Board constituted for the said purpose has opined that the revisionist is not suffering from any mental illness. On the contrary, he is addicted to intoxicating substances, including smack and alcohol. Therefore, the submission founded upon



the Social Investigation/Social Assessment Report does not persuade this Court to take a view different from that taken by the courts below.

10. In *Om Prakash v. State of Rajasthan* (2012) 5 SCC 201, the Hon'ble Supreme Court observed that while the provisions of the Juvenile Justice legislation are reformatory in nature, the courts are required to exercise due caution in cases involving heinous offences and must ensure that the statutory protection is not extended mechanically without examining the facts and circumstances of the case. The Court emphasised that the beneficial object of the legislation must be balanced with the interests of justice where the allegations disclose grave criminal conduct.

11. Having regard to the nature and gravity of the allegations levelled against the revisionist, the findings of fact concurrently recorded by the learned Juvenile Justice Board as well as the Appellate Court, the report submitted by the Medical Board indicating that the revisionist is not suffering from any mental illness, the principles of law laid down by the Hon'ble Supreme Court governing the grant of bail to a juvenile accused of a heinous offence, and the limited scope of interference



in exercise of revisional jurisdiction, this Court is of the considered opinion that the impugned orders do not suffer from any perversity, patent illegality, jurisdictional error or material irregularity warranting interference by this Court. Accordingly, no ground is made out to invoke the revisional jurisdiction of this Court.

12. Consequently, this Court finds no infirmity in the judgment and order dated 01.08.2025 passed by the learned Appellate Court affirming the order dated 02.07.2025 passed by the Juvenile Justice Board rejecting the bail application of the revisionist.

13. Accordingly, the criminal revision, being devoid of merit, is dismissed.

14. No order as to costs.

(ALOK MAHRA,J.)
06.08.2026

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