IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CR. REVISION APPLICATION NO. 82 OF 2026

Abc …Applicant

V/s.

The State Of Maharashtra …Respondent

Mr. Ramnik P. Pawar, Mr. Dinesh S. Sonarlikar, Mr. Amit Waykool, Ms. Puja Deshmukh, Mr. Nadeem Saudagar, Mr. Vinod Shejwal, for the Applicant
Mr. Avinash Naik, APP for the State

CORAM : SHARMILA U. DESHMUKH, J.
DATED : OCTOBER 29, 2026

P.C.:

1. Revision application has been preferred under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (For short 'JJ Act') challenging the order dated 15th October 2025 passed below Exhibit 7 by the learned Additional Sessions Judge, Kolhapur in Sessions Case No. 265 of 2024, seeking bail in connection with the offence registered under Sections 302, 307, 326, 504, 506, 143, 147, 148, 149 of the Indian Penal Code, 1860 read with Section 135 of the Maharashtra Police Act, 1951.

2. Learned counsel appearing for the Applicant submits that considering the provisions of Section 12 of the Juvenile Justice Act, the gravity of the offence is not a consideration and the revision Applicant is entitled and liable to be released on bail. He would further submit that the revision Applicant was admittedly 17 years and 11 months old on the date of the alleged incident and is a child in

conflict with law within the meaning of Section 2(13) of the JJ Act. He submits that the rejection of the bail application is in violation of Section 12 of the Juvenile Justice Act.

3. Learned APP would submit that the order passed by the Sessions Court rejecting the application is based on the material which was produced before the Sessions Court. He submits that there is an apprehension of exposure of the child in conflict with law to physical danger due to rivalry. He submits that there are eyewitnesses to the incident and the complicity of the Applicant is borne out from the material on record. He submits that the nature of allegations and the specific role attributed to the Applicant are relevant facts and circumstances which are required to be considered.

4. I have considered the submissions of learned counsel appearing for the Applicant and the learned APP. The Applicant is admittedly a child within the meaning of Section 2(13) of the JJ Act and was a juvenile at the time of the commission of the offence, and his case for grant of bail is required to be considered in accordance with Section 12 of the JJ Act. The provision is very clear that when any person who is apparently a child and is alleged to have committed a bailable or non-bailable offence is apprehended or detained by the police or appears or is brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 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 person. The only exception can be found in the proviso that such person shall not be so released if there appear reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical, or psychological danger, or that the person's release would defeat the ends of justice.

5. It is well settled that the application for bail under JJ Act cannot be rejected on the ground of the seriousness of the offence and the primary consideration is the welfare and rehabilitation of the child in conflict with law. Though in the affidavit in reply, the exceptions are sought to be contended, this Court does not find any cogent material on the basis of which the exception can be carved out in the present case. The Applicant is behind bars since three years and one week, and the trauma of incarceration may hinder the future prospects of the Applicant.

6. In view thereof, the following order is passed:

ORDER

(i) Revision application is allowed.

(ii) The order dated 15th October 2025 passed by the Additional Sessions Judge, Kolhapur in Sessions Case No.

265 of 2024 below Exhibit 7 is quashed and set aside.

(iii) The Applicant shall be released on bail on furnishing a P.R. bond in the sum of Rs. 20,000/- to the satisfaction of the concerned Children's Court with one or two solvent sureties in the like amount in connection with C.R. No. 268 of 2023 registered at Gokul Shirgaon Police Station, on the following conditions:

(a) The Applicant shall be placed under the supervision of a Probation Officer.

(b) The Applicant shall report to the Probation Officer once in three months.

(c) The Applicant to maintain good conduct and shall not involve himself in any criminal activity.

(SHARMILA U. DESHMUKH, J.)