

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLN. NO.1 OF 2026

1. Vishwaraj Vijaykumar Deka
Age: 16 years, Occu: Education
Permanent Res. At: C/o.
Mr. Kumar Yallappa Gangapol, E-Ward,
Salokhe Park Navin Vasahat, Kolhapur.
(Currently incarcerated at the Dr. Sarvapalli
Radhakrishnan Observation Home,
Kolhapur)
 2. Mr. Kumar Yallappa Gangapol,
Age, 40, R/o. E-Ward, Salokhe Park
Navin Vasahat, Kolhapur
-Applicants

Vs.

1. The State of Maharashtra
(Through Officer-in-Charge, Karveer
Police Station, Kolhapur. C. R. 229 of 2025)
 2. Sou. Laxmi Yallappa Gangapol Alias
Laxmi Vijay Bharmal
Age: 40, Occ: Laborer
R/o. Aai Bungalow, Hudco Colony,
E-Ward, Deokar Panand, Kolhapur
-Respondents

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Mr. Nikhil Shiralkar i/b Mr. Paras Dattatray Yadav, Advocate for
Petitioner.

Mr. V. A. Gurav, ASI, Karvir Police Station.

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CORAM: MRS. VRUSHALI V. JOSHI, J.

RESERVED ON : 11th JUNE 2026

PRONOUNCED ON : 12th JUNE 2026

JUDGMENT (PER- VRUSHALI V. JOSHI, J.)

1. The Applicant has preferred the present Revision Application challenging the order passed by the learned Special Judge, Children's Court, Kolhapur in Criminal Appeal No. 72 of 2025, whereby the Applicant's prayer for bail came to be rejected.

2. The crime is registered against the Applicant vide C.R. No. 229 of 2025 for the offences punishable under Sections 64, 64(2)(f), 64(2)(l), 64(2)(m) and 65(1) of the Bharatiya Nyaya Sanhita, 2023, as well as under Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 ("POCSO Act").

2. It is the case of the prosecution that the Revision Applicant who is minor child has committed rape on his real sister who was 12 years of age at that time. It is alleged that the Applicant committed the aforesaid act on two occasions, as a consequence of which the victim conceived. The pregnancy came to light only at the time of the victim's delivery. Thereafter, the victim's mother, who is also the mother of the accused, lodged a complaint, pursuant to which the present crime came to be registered.

3. Learned counsel appearing for the Applicant submits that the Applicant is about 16 years of age and is a bright student who secured 79% marks in the 10th Standard examination. His future is bright, if he has received opportunity. Learned counsel further submits that the Applicant has been lodged in the Observation Home for the last 13 months, which has adversely affected his education and future prospects. On these grounds, it is prayed that the Applicant be released on bail.

4. Learned counsel for the Applicant submits that the Applicant is presently residing with his maternal uncle. It is submitted that the Applicant's mother has separated from his father and has contracted a second marriage. The victim is residing with the Applicant's mother and her second husband. It is therefore contended that the Applicant and the victim are not residing together and, consequently, there is no likelihood of any interaction between them. Learned counsel further submits that the family members shall ensure that no such incident is repeated in future. On these grounds, it is prayed that the Applicant be released on bail.

5. Learned APP opposed the Application and submitted that the

victim, who was about 12 years of age at the relevant time, has delivered a child and the DNA report and DNA report matches with the Applicant. The Applicant is the real brother of the victim and is alleged to have committed the said act knowingly. He is presently lodged in the Observation Home. Though the report of the Observation Home indicates that his behavior has improved, it is necessary to take into consideration the nature and gravity of the offense committed by him. It is submitted that, in the interest of his welfare and rehabilitation, he should be kept away from society for the present, as counseling and proper supervision are necessary. The learned Sessions Court has also directed the authorities to facilitate the Applicant's further education while he remains in the Observation Home. Therefore, considering the welfare of the child and the need for continued counseling and supervision, it is submitted that the Applicant should continue to remain in the Observation Home. Hence, the Application deserves to be rejected.

6. Heard the learned counsel appearing for the parties.

7. As per Section 12 of the Juvenile Justice (Care and Protection of Children) Act, a Child in Conflict with Law (CCL) shall not be

released on bail if there appear reasonable grounds for believing that such release is likely to bring him into association with any known criminal, expose him to moral, physical or psychological danger, or defeat the ends of justice.

8. In the present case, the complainant/first informant is the mother of both the victim and the accused. The material on record indicates that the incident remained suppressed within the family for a considerable period. It was only when the complainant was compelled by the circumstances to approach the authorities that she lodged the First Information Report and disclosed the relevant facts pertaining to the incident.

8. The conduct of the Applicant towards his younger sister and the suppression of the said act by the family members itself show that there will not be any improvement in the behavior of the Applicant if he is released on bail. To keep the Applicant away from all modern and easily available gadgets and to inculcate in him moral and behavioral ethics, it is necessary to keep him away from his family members and the victim, who delivered a baby at the age of 12 years. The family members, by silently supporting the accused, have

subjected the minor girl to atrocities.

9. The learned Sessions Court has duly taken into consideration the Applicant's education and future prospects and has also observed the necessity of counseling, which can be effectively provided only at the Observation Home.

10. Considering the nature and gravity of the offense allegedly committed by the Applicant, and further considering that it would be in the best interests and welfare of the child to keep him away from an environment where such a heinous act could remain suppressed, this Court is of the view that the present case is not a fit one for grant of bail. Hence, the Application stands **rejected**.

(MRS. VRUSHALI V. JOSHI, J.)