



2026:DHC:3865



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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 06.05.2026

+ **BAIL APPLN. 1203/2026**

CCL S

.....Petitioner

Through: Mr. Subham Jain and Mr. Vaibhav
Dubey, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with Inspector Rajesh Kumar

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The Child in Conflict with Law (CCL)/applicant seeks regular bail in case FIR No. 11/2024 of Police Station Badarpur for offence under Section 302/34 IPC.
2. According to the prosecution, the CCL/applicant was held to be tried as an adult as regards the subject FIR. So, the trial pertaining to him is being carried out before Special Judge (POCSO). Prosecution strongly opposes grant of bail in this case on the basis of proviso to Section 12(1) of the

BAIL APPLN. 1203/2026

Page 1 of 4 pages

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Juvenile Justice (Care and Protection of Children) Act. What is to be seen in this case is as to whether there appear reasonable grounds for believing that release of the CCL/applicant is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or his release would defeat the ends of justice. On the basis of this statutory position, the learned Special Court (POCSO) dismissed the bail application of the CCL/applicant. Hence, the present bail application.

3. According to prosecution case, the CCL/applicant alongwith two more Children in Conflict with Law and two adults namely Armann @ Kurru and Sahil @ Bhondi committed murder of Gaurav @ Paggal by inflicting multiple stab injuries. Further, according to prosecution case, at the time of the alleged offence, the CCL/applicant was already on bail in case FIR No. 489/2023 of PS Sarita Vihar for offence under Section 302/397/34 IPC.

4. On behalf of CCL/applicant, it is contended by learned counsel that in the case of a Child in Conflict with Law seeking bail, the manner in which the offence was allegedly committed, the seriousness of the charge and antecedents of the Child in Conflict with Law are not relevant. It is contended by learned counsel that as regards proviso to Section 12 of the Act, it is not any criminal, but the known criminal whose company has to be ascertained by the court. That being so, learned counsel for CCL/applicant contends that the Special Court erred in referring to the fact that the CCL/applicant committed murder while on bail in another murder case.

BAIL APPLN. 1203/2026

Page 2 of 4 pages

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2026:DHC:3865



5. Learned APP for State assisted by IO/Inspector Rajesh Kumar strongly opposes the bail application taking me through the records pertaining to the manner in which the alleged offence was committed. It is also submitted by learned APP for State that public witnesses are yet to be examined, so if released on bail, the CCL/applicant shall certainly terrorise those witnesses. It is submitted that there also is an eye witness of the alleged murder, apart from the CCTV footage depicting the CCL/applicant, so this is not a fit case to grant him bail.

6. Admittedly, the decision to try the CCL/applicant as an adult in the present case has not been challenged. Also it is not in dispute that when the alleged murder took place, the CCL/applicant was already on bail in another murder case. It is not just these two murder cases in which the CCL/applicant is involved; he is involved in yet another case FIR No. 542/2022 of PS Badarpur for offence under Section 394/34 IPC.

7. In such background, it would be misplaced view to be over-liberal for the reason that the CCL/applicant happens to be a child though being treated as adult. The court cannot be oblivious of harsh reality of today's society where a number of heinous crimes even under special legislations like NDPS Act and MCOCA are being committed by the organized syndicates through juveniles, abusing the social welfare legislation.

8. In the present case, it is certainly not a situation where the likelihood as contemplated by proviso to Section 12 of the Act pertains to some

BAIL APPLN. 1203/2026

Page 3 of 4 pages

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2026:DHC:3865



unknown criminals. In the present case itself, there were five assailants as alleged by prosecution. Besides that, as mentioned above, the CCL/applicant is involved in two more cases of serious nature, one of which is another murder case and it is while on bail in that murder case, the CCL/applicant got involved in the present murder case. The apprehension expressed by the State is not vague that if released on bail, the CCL/applicant would come in contact with some known criminals. As mentioned above, the murder in which the CCL/applicant is alleged to be involved took place while he was already on bail in yet another murder case, in addition to which he is involved in yet another serious crime.

9. Considering the above circumstances, I do not find it a fit case at this stage to grant bail to the CCL/applicant. Therefore, the bail application is dismissed.

10. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the CCL/applicant immediately.

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(JUDGE)**

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BAIL APPLN. 1203/2026

Page 4 of 4 pages