

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (FOR REGULAR
BAIL) NO. 2316 of 2025**

Versus
STATE OF GUJARAT & ANR.

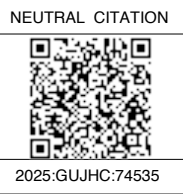
Appearance:

DEVANGI B SOLANKI(8888) for the Applicant(s) No. 1
MR. JAYDEEP J. SOLANKI(19128) for the Applicant(s) No. 1
MR UTKARSH SHARMA, APP for the Respondent(s) No. 1
RULE SERVED BY DS for the Respondent(s) No. 2

CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL**Date : 30/12/2025****ORAL ORDER**

1. Pursuant to service of notice of Rule upon respondent No. 2 – original complainant, learned advocate Mr. Bhaumik Dholariya appears on his behalf. He shall file his appearance before the registry, if yet not filed, which the registry shall accept.

2. This application has been filed by the juvenile in conflict with law through his father as a guardian under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act)



for regular bail in connection with FIR being C.R. No. 11211050250380 of 2025, registered with Thangadh Police Station, District: Surendranagar for the offences punishable under Sections 63(A), 64(1)(2)(i)(m), 78(1)(i), 79, 351(2) and 54 of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 3(A), 5(L), 6, 12, 16 and 17 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

3. Heard, the learned advocates for the respective parties.

3.1 The learned advocate for the applicant submits that it is a case of love affair wherein the accused as well as the victim girl both are juvenile. She fairly conceded that the Juvenile Justice Board (JJB) as well as the first Appellate Court, both have rejected the bail application of the juvenile in conflict with law by orders dated 04.10.2025 and 10.09.2025, respectively, and accordingly, present application is filed seeking regular bail before this Court.

3.2 At the outset, the learned advocate for the applicant has submitted that the parties have arrived at out of Court settlement and the original complainant has no objection for release of the present juvenile in conflict with law on bail.

3.3 Even otherwise, she submitted that the applicant is a minor and therefore, by virtue of Section 12 of the JJ Act, it would be mandatory to enlarge the applicant on bail. It is submitted that the

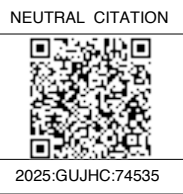


learned Sessions Judge has failed to appreciate and interpret the provisions of Section 12 of the JJ Act in the its true and proper perspective. It is submitted that according to Section 12 of the JJ Act, a Child (*as defined under section 2(12) of the JJ Act*), alleged to have committed a bailable or non-bailable offence and if he is detained by the police or if he is brought before a Board, such a person shall be released on bail. It is submitted that though exceptions carved out in the section does not apply in the facts and circumstances of the present case, the learned Sessions Judge has not taken into consideration the said aspect and rejected the appeal of the juvenile in conflict with law.

3.4 She further submitted that investigation in the crime in question is over and Charge-sheet is also filed and hence, there is no question of any tampering or hampering with the evidence.

3.5 The learned advocate for the applicant further submits that even as per the Report of the Probation Officer, nothing so adverse is forthcoming on record against the juvenile applicant and his conduct also appears to be good.

3.6 The learned advocate for the applicant submitted that Section 12 of the JJ Act mandates despite anything contained in the Criminal Procedure Code or under any law for the time being in force, juvenile 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. She further submitted that juvenile is entitled for bail and only if it appears that there is a reasonable ground for believing that his release is likely to bring that person in association with any known criminal, or expose the said person to moral, physical or psychological danger or the person's release would defeat the ends of justice, he may not be released. Accordingly, it is urged that the applicant, a juvenile in conflict with law may be released on bail.

4. Learned advocate for the original complainant has, while submitting the affidavit of the original complainant, which is taken on record, stated at bar that the parties have arrived at out of Court settlement and the original complainant has no objection if the juvenile in conflict with law is released on bail.

5. As against this, learned Additional Public Prosecutor submitted that JJ Board as well as the learned Sessions Judge have referred to the facts of the case and the role attributed to the applicant and declined bail to the applicant - juvenile in conflict with law, more particularly, considering the nature and gravity of offence. However, he submitted that in the facts and the extant circumstances of the case, appropriate orders may be passed.

6. Heard, the learned advocate for the respective parties and perused the material produced on record.



6.1 At the outset, it is apt to be noted that the original complainant has filed an affidavit stating therein that settlement has been arrived at between the parties and he has no objection if the juvenile delinquent is released on bail.

6.2 At this juncture, it would also be apt to have a glance at Section 3 of the JJ Act, which provides for general principles to be followed in administration of Act as under:

3. General principles to be followed in administration of Act.—The Central Government, the State Governments, the Board, and other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following fundamental principles, namely:—

(i) Principle of presumption of innocence: Any child shall be presumed to be an innocent of any mala fide or criminal intent up to the age of eighteen years.

(ii) Principle of dignity and worth: All human beings shall be treated with equal dignity and rights.

(iii) Principle of participation: Every child shall have a right to be heard and to participate in all processes and decisions affecting his interest and the child's views shall be taken into consideration with due regard to the age and maturity of the child.

(iv) Principle of best interest: All decisions regarding the child shall be based on the primary consideration that they are in the best interest of the child and to help the child to develop full potential.



(v) Principle of family responsibility: The primary responsibility of care, nurture and protection of the child shall be that of the biological family or adoptive or foster parents, as the case may be.

(vi) Principle of safety: All measures shall be taken to ensure that the child is safe and is not subjected to any harm, abuse or maltreatment while in contact with the care and protection system, and thereafter.

(vii) Positive measures: All resources are to be mobilised including those of family and community, for promoting the well-being, facilitating development of identity and providing an inclusive and enabling environment, to reduce vulnerabilities of children and the need for intervention under this Act.

(viii) Principle of non-stigmatising semantics: Adversarial or accusatory words are not to be used in the processes pertaining to a child.

(ix) Principle of non-waiver of rights: No waiver of any of the right of the child is permissible or valid, whether sought by the child or person acting on behalf of the child, or a Board or a Committee and any non-exercise of a fundamental right shall not amount to waiver.

(x) Principle of equality and non-discrimination: There shall be no discrimination against a child on any grounds including sex, caste, ethnicity, place of birth, disability and equality of access, opportunity and treatment shall be provided to every child.

(xi) Principle of right to privacy and confidentiality: Every child shall have a right to protection of his privacy and confidentiality, by all means and throughout the judicial process.



(xii) Principle of institutionalisation as a measure of last resort: A child shall be placed in institutional care as a step of last resort after making a reasonable inquiry.

(xiii) Principle of repatriation and restoration: Every child in the juvenile justice system shall have the right to be re-united with his family at the earliest and to be restored to the same socio-economic and cultural status that he was in, before coming under the purview of this Act, unless such restoration and repatriation is not in his best interest.

(xiv) Principle of fresh start: All past records of any child under the Juvenile Justice system should be erased except in special circumstances.

(xv) Principle of diversion: Measures for dealing with children in conflict with law without resorting to judicial proceedings shall be promoted unless it is in the best interest of the child or the society as a whole.

(xvi) Principles of natural justice: Basic procedural standards of fairness shall be adhered to, including the right to a fair hearing, rule against bias and the right to review, by all persons or bodies, acting in a judicial capacity under this Act.

6.3 The Court has also perused the Report of the Probation Officer, forwarded in pursuance to the order passed in this application, which reveals nothing so adverse against the present juvenile in conflict with law.

6.4 Further, it would be worthwhile here to refer to a decision of the Apex Court in the case of ***Juvenile in conflict with Law v. State of Rajasthan, reported in 2024 SCC OnLine SC 5297***, wherein, it is



observed as under:

“6. From the phraseology used in sub-section 1 of Section 12, a juvenile in conflict with law has to be necessarily released on bail with or without surety or placed under supervision of a probation officer or under the care of any fit person unless proviso is applicable.”

6.5 In the case on hand also, there is nothing on record to suggest that the case falls under the proviso to Section 12(1) of the JJ Act.

7. In aforesaid view of the matter, considering the fact that the parties have arrived at a settlement as well as considering the Report of the Probation Officer and physical and mental condition as well as the family condition of the juvenile in conflict with law, as narrated therein, General Principles as laid down in the JJ Act, referred to herein above, as well as the fact that now Charge-sheet in the case is filed and last but not the least, as there is nothing on record to show that proviso to Section 12(1) of the JJ Act is applicable on the case on hand, the Court is inclined to exercise discretion in favour of the present juvenile applicant.

8. Resultantly, this revision application is allowed. The juvenile applicant is ordered to be released on bail in connection with the above-referred FIR on surety of his father with bail bond of Rs.5,000/-.



8.1 It is directed that the Probation Officer shall monitor the conduct of the juvenile in conflict with law and shall quarterly submit the report before the appellate Court till completion of the trial. Moreover, if the Probation Officer considers any necessity of sending the juvenile for any behavior modification then necessary therapy and psychiatric support be provided to the juvenile in conflict with law.

8.2 The father of the juvenile to ensure that the juvenile will not fall into bad company.

9. Rule is made absolute to the aforesaid extent. **Direct service** is permitted.

[P. M. Raval, J.]

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