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21/7/25

राजस्थान उच्च न्यायालय पीठ, जयपुर

Certified Copy of Order Dated... 15.10.2025

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH JAIPUR

S.B. CRIMINAL REVISION PETITION NO. 1527 /2025

[Redacted] aged about 17 years, minor through natural guardian mother [Redacted]

(Raj.)

(At present confined in Juvenile Protection Home, Jhunjhunu)

... Accused-Petitioner

VERSUS

1. State of Rajasthan Through P.P.

...Respondent

2. [Redacted]

...Complainant-Respondent

S.B. CRIMINAL REVISION PETITION UNDER SECTION 102 JUVENILE JUSTICE (PROTECTION AND CARE OF CHILDREN) ACT, 2015 AGAINST THE ORDER DATED 23.07.2025 PASSED BY SHRI ISRAR KHOKHAR, RJS (DISTRICT JUDGE CADRE) LEARNED SPECIAL JUDGE, PROTECTION OF



सही-प्रतिलिपि  
प्रशासनिक अधिकारी न्यायिक  
राजस्थान उच्च न्यायालय पीठ,  
जयपुर

राजकीय दफ्तियका अध्यायक, उच्च न्यायालय, जयपुर
मात्रा 20487
क्रमांक 13
दिनांक 21/8/25

(1)

CHILDREN FROM SEXUAL OFFENCES ACT 2012 AND CHILDREN RIGHTS PROTECTION COMMISSION ACT 2005, JHUNJHUNU (RAJ.) IN MISC. CRIMINAL FIRST APPEAL NO. 10/2025 TITLED AS JUVENILE 'A' VS. STATE OF RAJASTHAN WHEREBY HE UPHELD THE ORDER DATED 11.07.2025 PASSED BY SHRI DILIP KUMAR SAINI, RJS PRINCIPLE JUDGE, JUVENILE JUSTICE BOARD, JHUNJHUNU IN FIRST INFORMTION REPORT NO. 124/2025 DATED 01.05.2025 REGISTERED AT POLICE STATION SURAJ GARH, DISTRICT JHUNJHUNU FOR THE OFFENCE UNDER SECTION 137 (2) OF B.N.S. AND THE APPEAL HAS BEEN DISMISSED FOR THE OFFENCE UNDER SECTION 137 (2), 70 (1), 87 B.N.S AND SECTION 3/4 OF PREVENTION OF CHILD SEX OFFENCES, 2012.

TO.



सही-प्रतिलिपि  
 प्रशासनिक अधिकारी न्यायिक  
 राजस्थान उच्च न्यायालय पीठ,  
 जयपुर

(2)

**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

S.B. Criminal Revision Petition No. 1527/2025

[REDACTED] Aged About 17 Years, Minor Through Natural  
Guardian Mother [REDACTED]

-----Petitioner

Versus

1. State Of Rajasthan, Through P.P.
2. [REDACTED]

-----Respondents

For Petitioner(s) : Mr. Rohit Khalia and  
Mr. Gaurav Gidwani  
For Respondent(s) : Mr. Amit Punia, Addl.GA/PP

**JUSTICE ANOOP KUMAR DHAND**

Order

15/10/2025

1. This criminal revision petition under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'the Act of 2015') is directed against the order dated 23.07.2025 passed by the Special Court, Protection of Children from Sexual Offences Act, 2012 and Commission for Protection of Child Rights Act, 2005; Jhunjhunu (for short 'the Appellate Court') whereby the Appellate Court has dismissed the appeal filed by the juvenile-petitioner through his guardian against the order dated 11.07.2025 passed by the Principal Magistrate, Juvenile Justice Board, Jhunjhunu (for short 'the trial Court') on an application under Section 12 of the Act of 2015 whereby the



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न उच्च न्यायालय पीठ,  
जयपुर

prayer for releasing the juvenile-petitioner on bail was dismissed by the trial Court.

2. Learned counsel for the petitioner submits that as per the statements of prosecutrix recorded under Section 183 BNSS,

[REDACTED] committed rape with her. Counsel submits that there is no allegation of rape against the co-accused [REDACTED] and other person, who was subsequently identified as the petitioner. Counsel submits that the co-accused [REDACTED] [REDACTED] have been granted indulgence of bail by the regular Court and the petitioner is a juvenile and he is facing trial before the Juvenile Justice Board. Counsel submits that the petitioner is in custody and after investigation charge-sheet has been filed and the trial will take its own time to conclude, therefore, indulgence of bail be granted to the petitioner.

3. Per contra, learned Public Prosecutor opposed the prayer, but he is not in a position to controvert the submissions made by counsel for the petitioner.

4. Heard and considered the submissions made at Bar and perused the statements of prosecutrix recorded under Section 183 BNSS.

5. For ready reference, Section 12(1) of the Act of 2015, is reproduced hereunder:-

"12(1) 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 brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released

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(w)



on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person:

Provided that such person shall not be so released if there appears 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 the person's release would defeat the ends of justice, and the Board shall record the reasons for denying the bail and circumstances that led to such a decision."

6. Perusal of Section 12(1) of the Act of 2015 clearly indicates that a delinquent juvenile ordinarily has to be released on bail irrespective of nature of offence alleged to have been committed by him unless it is shown by evidence that if he is released on bail, there appears reasonable grounds for believing that the release of the delinquent juvenile is likely to bring him in association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice. The nature of offence and the merits of the case do not have any relevance. It is for the prosecution to bring on record such material while opposing the bail and make out any of the grounds provided in Section 12(1) of the Act of 2015 which may persuade the Court not to release the juvenile on bail. But in instant case, nothing is there on the record to show that the release of the juvenile-petitioner on bail is likely to bring him in association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice.



ज्योति न्यायालय  
ज्योति न्यायालय पीठ,  
जयपुर

7. Perusal of the impugned order passed by the Juvenile Justice Board as well as by the Appellate Court indicate that the bail application submitted by the petitioner has been rejected on the ground that in case, the petitioner is released on bail, there are chances that he may come in the company of unknown criminals and the interest of justice would be defeated. Perusal of the orders indicate that no reason has been assigned for passing such observations.

8. Considering the arguments put forward by learned counsel for the petitioner and looking to the statements of the prosecutrix recorded under Section 183 BNSS, wherein the allegation of rape has been levelled against [REDACTED] and no allegation of rape has been levelled against the co-accused [REDACTED] and the petitioner and looking to the fact that benefit of bail has already been granted to the co-accused [REDACTED] and also looking to the fact that the petitioner is a juvenile, hence, the same indulgence of bailis granted to the petitioner as well.

8. In view of the above, the revision petition is allowed. The impugned order dated 23.07.2025 passed by the Appellate Court and also the order dated 11.07.2025 passed by the trial Court are quashed and set aside and the juvenile petitioner be released on bail in connection with FIR No.124/2025 registered at Police Station Suraj Garh, District Jhunjhunu for the offences mentioned therein; provided his natural guardian furnishes a personal bond in the sum of Rs.50,000/- along with two sureties of Rs.25,000/- each to the satisfaction of concerned Principal Magistrate, Juvenile Justice Board with the stipulation



that on all subsequent dates of hearing, he shall produce the juvenile-petitioner before the said court or any other court till the enquiry or trial is concluded.

*sd*

(ANOOP KUMAR DHAND),J

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*[Handwritten mark]*

