

(2025) 08 CHH CK 0325
In the Chhattisgarh High Court
Case No : CRR No. 668 of 2024

ABC

APPELLANT

Vs

Hemant Kumar Dhankar

RESPONDENT

Date of Decision : 21-08-2025

Acts Referred:

Juvenile Justice (Care and Protection of Children) Act, 2015 — Section 12, 102
Protection of Children from Sexual Offences, 2012 — Section 4, 5, 6
Indian Penal Code, 1860 — Section 376

Citation : (2025) 08 CHH CK 0325

Hon'ble Judges : Sanjay Kumar Jaiswal, J

Bench : Single Bench

Advocate : Bhagat Ram Ijardar, Manoj Kumar Jaiswal, Pranjal Shukla

Final Decision : Dismissed

Judgement

Sanjay Kumar Jaiswal, J

1. This revision is filed by the juveniles under Section 102 of Juvenile Justice (Care and Protection of Children) Act, 2015 (in short 'the Act 2015') against the order dated 10.05.2024 passed in Criminal Appeal No. 73/2024 whereby the learned Special Judge (Atrocities) Additional in-charge – Additional Sessions Judge (FTC) and Children Court, Bilaspur, District Bilaspur, Chhattisgarh has rejected the appeal arising out of order dated 18.04.2024 passed by the Juvenile Justice Board, Bilaspur in Crime No.97/2024 registered at P.S. Koni, District Bilaspur (CG) for the offence punishable u/s 376 D, B of IPC and Sections 4, 5, 6 of POCSO Act, whereby the bail application of the present applicants has been rejected.

2. The prosecution's story, in brief, is that on 19.03.2024, a written report was lodged by the mother of the victim stating that on 18.02.2024 at about 8:00 pm, her daughter disclosed that about one month prior, she was taken by the applicants to their house and committed forcible sexual intercourse with her. Based on this, offence has been registered against the present applicants. Since

the present applicants were juvenile, they filed an application under Section 12 of the Juvenile Justice Act for granting bail, which was dismissed. Against the said dismissal, an appeal was preferred, which was also dismissed. Hence, this revision.

3. Learned counsel for the applicant submits that the juveniles are in detention since 19.03.2024. The date of incident was 18.02.2024 and the date of FIR is 19.03.2024 just after one month delay and the reason of delay is not mentioned in the FIR. Medical documents of the victim is not supported the case of the prosecution. He submits that the social status report is not against the juveniles and both the Juvenile Justice Board and the Appellate Court have not appreciated the Social Information Report of the Probation Officer in its right perspective and passed the impugned judgment and order without considering the position of law and have declined bail to the applicants.

4. He submits that the Juvenile Justice Board as well as the Appellate Court have completely ignored to consider the statutory scheme of Section 12 of the Act of 2015 which itself is *pari materia* of Section 12 of the Act of 2000 while considering the application for grant of bail under Section 12 of the Act of 2015. He further submits that the applicant had no criminal back-ground and the orders passed by both the Courts below are improper and contrary to the law. He further submits that in view of provision contained in Section 12 of the Juvenile Justice Act and looking to the long detention of the applicants, they deserves to be released on bail.

5. Per contra, learned Counsel for the State submits that juveniles are accused of committing rape with a minor girl aged about 5 years. He further submits that there are sufficient evidence against the present applicants. Therefore, the orders passed by the two Courts being fully justified and in accordance with the provisions of Section 12 of the Act do not warrant any interference and the instant revision deserves to be dismissed.

6. I have heard learned counsel for both the parties and perused the material available on record.

7. According to the social status report, the children belongs to a lower middle class family and they are studied upto 5th class and a simple incident has turned into a heinous crime and there is no possibility of applicants' coming into association of other known criminals and thus the report suggests to provide protection to the child under family supervision.

8. A perusal of the record shows that the applicants took the minor victim, who was aged about 5 years at the time of incident to their house where they committed sexual intercourse with a minor innocent girl. The type of offence prima facie shows that it is case of gang rape.

9. Releasing juvenile boys who have committed a heinous crime like gang rape could be seen as a failure to uphold justice, especially if their release is found to

be against the best interests of society and the victim's family. The Juvenile Justice Act aims to balance the need for rehabilitation of juveniles with the need for justice, but in cases of extreme violence, the "ends of justice" provision in the law can be invoked to deny the bail as their release would lead to public outcry and a feeling that justice has not been served.

10. Having regard to the gravity of offence and the nature of allegations levelled against the applicants, I do not find any infirmity in the impugned orders of appellate court as well as the Juvenile Justice Board warranting interference in the revision. Accordingly, this revision is dismissed.

11. However, looking to the long detention of the juveniles, the trial Court is directed to expedite the trial and ensure that the trial is completed as early as possible.