

“Bail for Juveniles Not Mandatory in All Cases– Madhya Pradesh High Court.”

The Madhya Pradesh High Court, in a Criminal Revision petition, emphasized that in assessing bail for juveniles accused of serious offenses, societal concerns must be duly weighed and not overlooked in the interpretation of relevant provisions. The judgment was delivered by a single-judge bench presided over by Dinesh Kumar Paliwal.

In the instant case, the complainant filed an FIR under Section 363 IPC as his 17-year-old son was missing. Investigation revealed that the applicant and his accomplice had kidnapped the victim with intent to extort Rs. 20 lakh as ransom, and upon non-payment, they murdered him. The Juvenile Justice Board denied bail under Section 12 of the JJ Act. The Sessions Judge upheld this decision, citing risks of moral, physical, or psychological harm to the applicant and the potential obstruction of justice. Dissatisfied with the Sessions Judge's ruling, the applicant has filed the current criminal revision under Section 102 of the JJ Act, challenging the decision before this Court."

The Court observed, *“On a bare perusal of the provisions, it is apparent that bail to juvenile is not "must" in all cases as it can be denied by assigning proper reasons. The law does not say that once a person is found juvenile, he should be released on bail notwithstanding the other facts and circumstances of the matter. It is also explicit that the bail can also be denied if the juvenile's release, in the opinion of the court, would defeat the ends of justice.”*

The court further added, *“The provisions of bail for juvenile cannot be interpreted to work only for the benefit of the juvenile ignoring the cries of the family of the deceased child. Whenever child becomes victim of offences, let alone heinous offence like rape/aggravated penetrative sexual assault, murder, society craves and cries for justice. By showing misplaced sympathy to a juvenile, who kidnapped a minor child for ransom and later murdered him due to non - payment of desired ransom the society is denied justice which is not and cannot be intention of law.”*

The Juvenile Justice Act serves dual purposes: it aims not only to rehabilitate juveniles through reformatory measures but also to impose punitive measures to a certain extent. When deciding on whether to grant or deny bail, the court must carefully balance the conflicting demands of justice from both the accused and the victim. The Juvenile Justice Act of 2015 seeks to promote the welfare and improvement of juveniles by offering them reformatory services, thereby facilitating their return to mainstream society as mentally healthy individuals. Additionally, it addresses broader societal concerns by ensuring that justice is served and community interests are safeguarded. Thus, in its application, the Act strives to achieve a balance that supports the rehabilitation of juveniles while also upholding the principles of justice and societal well-being.

Therefore, it can be concluded that while the paramount concern should always be the well-being and best interests of the child involved, it is equally important not to overlook the imperatives of justice. The court weighed the severity of the offense committed and the underlying motives as pivotal factors in its decision to deny bail. This signifies that while the child's welfare is crucial, the seriousness of the crime and the reasons behind it must also be taken into serious account to ensure that justice is upheld and societal norms are respected.