

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 764 of 2015

Minor Karan Chaudhari S/o Shri Sanjay Chaudhari Aged About 17½ Years Represented Through Father Sanjay Chaudhary S/o Late Jagdish Prasad Chaudhari, Aged 49 Years R/o Savitri Nagar, Mitthumuda, Raigarh, Tah. And District Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, District Raigarh Chhattisgarh.

---- Respondent

Shri Ashish Gupta, counsel for the applicant/s.
Ms. Sunita Jain, Panel Lawyer for the State.

Order On Board

01/09/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.426/15 registered at police station – City Kotwali, Distt.-Raigarh, CG for alleged commission of offence under Section 365, 294, 506, 323/34 of IPC.

2. It is alleged that the applicant and other accused kidnapped the complainant – Sajji Philip and assaulted him.

3. Learned counsel for the applicant submits that it is not a case of commission of offence under Section 365 of IPC but at the most, offence under Section 342 IPC could be said to be made out. It is submitted that all other offences are bailable in nature.

4. On the other hand, learned State counsel submits that the applicant and other co-accused had kidnapped one Sajji Philip. He was taken to a temple place and thereafter, he was badly assaulted, manhandled and was also injured on his private parts.

5. Taking into consideration the nature of allegations and involvement of the applicant, though it is not a case for grant of anticipatory bail, at the same time, considering that the applicant is a juvenile, being less than 18 years of age, the applicant cannot be arrested but he can only be apprehended and then he is required to be produced before the Juvenile Justice Board.

Therefore, in the present case, if the applicant surrenders before the police authority, the police authority shall act in accordance with Section 10 of the Juvenile Justice Act, 2000 (for short 'the Act of 2000') and on applicant surrendering before the police authority along with certificate of date of birth, the police authority shall immediately hand over the custody of the applicant to the competent police authority / Special Juvenile Police Unit (SJPU), who shall in turn hand over the custody of the applicant to the Juvenile Justice Board where the applicant can move application under Section 12 of the Act of 2000.

The bail application is accordingly finally disposed off.

Sd/-

**Manindra Mohan Shrivastava
Judge**