

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No.443 of 2016**

- Arvind Kumar Chouhan S/o Shankar Chouhan Aged About 16 Years R/o Village Kesla, P.S. & Tahsil Lailunga, Distt. Raigarh Chhattisgarh Minor Through Smt. Sushila Chouhan W/o Shankar (Wrongly Mentioned Shivshankar) Aged About 40 Years, R/o Village Kesla, P.S. & Tahsil Lailunga, Distt. Raigarh Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Lailunga, District Raigarh Chhattisgarh (As Per Charge Sheet).

---- Respondent

For Petitioner	:	Shri M. K. Jaiswal, Advocate
For Respondent/State	:	Shri D. R. Minz, Dy.GA

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****05/12/2016**

This petition arises out of order dated 11-04-2016 passed by the appellate Court, by which, the rejection of applicant's application for grant of bail under Section 12 of the Juvenile Justice (Care and Protection) Act, 2000 (In short "the Act"), has been affirmed.

2. Learned counsel for applicant submits that the Courts below have rejected the application without there being any material justifying rejection on grounds enumerated under Section 12 of the Act. He submits that the report of the Probation Officer as referred to in the impugned order does not contain any clinching material to say that in the event of release, the applicant will be exposed to physical, mental or psychological danger. It is also submitted that the reasons, which have been assigned in the impugned order, are not sufficient

to draw such an inference, therefore, only on the ground that the child is likely to receive better atmosphere in the Observation Home, the bail application could not be rejected.

3. On the other hand, learned State counsel opposes the bail application on the submission that in view of the finding recorded by the learned appellate Court, the bail application of the applicant has been rightly rejected.

4. Despite repeated opportunities granted to the learned State counsel, social investigation report has not been submitted before this Court. Learned State counsel also could not produce the case diary.

5. The reasons, which have been assigned by the Court below in the impugned order to come to the conclusion that release would expose the applicant to physical, mental or psychological danger, are that the applicant is not going to school and lack of discipline, that by itself, is not enough to reach to such conclusion that it is not a case of grant of bail.

6. Therefore, in these circumstances and enforcing statutory mandate under Section 12 of the Act, the revision is allowed. The impugned order passed by the appellate Court as well as by the Juvenile Justice Board are hereby quashed. The applicant-Juvenile shall be released on bail forthwith on furnishing personal bond in the sum of Rs.10,000/- by the mother or father of the applicant to the satisfaction of the Juvenile Justice Board, for his appearance before the Board on all dates of trial and also to comply with such conditions as may be imposed by the Juvenile Justice Board.

SD/-
(**Manindra Mohan Shrivastava**)
Judge