

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 965 of 2015

Vishwanath Ekka S/o Thakur Ram Ekka Aged About 15 Years R/o Chhapradand, Police Station Kapu, District Raigarh Chhattisgarh, Represented Through Father Thakur Ram Ekka, S/O Dhana Ekka, Aged About 45 Years, R/o Village Chhapradand, Police Station Kapu, District Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Raigarh, District Raigarh Chhattisgarh.

---- Respondent

Shri Ashish Gupta, counsel for the applicant/s.
Shri Chandresh Shrivastava, Panel Laywer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/11/2016

This revision arises out of order dated 05/10/15 passed by the Appellate Court by which, the order rejecting application for grant of bail under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (for short 'the Act of 2000') has been affirmed.

2. Learned counsel for the applicant argued that the Courts below have rejected the application for grant of bail only taking into consideration the gravity of allegations though there was no material before the Juvenile Justice Board and the Appellate Court to form an opinion that his release would bring him in association with known criminals or expose him to moral, physical or psychological danger or would otherwise defeat the ends of justice.

3. On the other hand, learned State counsel opposes prayer and submits that from the order of the appellate authority, it is reflected that the applicant has left school and the manner in which he has committed offence under Section 376 IPC against a minor girl aged 16 years and 8 months shows that the applicant is in bad company. Therefore, if he is released, it may expose him to moral, physical and

psychological danger.

4. I have perused the social investigation report.

5. The only ground on which the application for grant of bail has been rejected is that his release would expose him to moral, physical or psychological danger. In order to reach to this conclusion, the Court below has taken into consideration nature of offence and that the applicant has already left schooling. In the considered opinion of this Court, aforesaid material, by itself, without anything more, cannot lead to such an inference. Unless exceptional grounds prescribed under Section 12 of the Act of 2015 are made out, grant of bail is a rule. Therefore, the Courts below have committed illegality in rejecting the application for grant of bail. The impugned order cannot be sustained and is therefore set aside.

6. The application under Section 12 of the Act of 2015 is allowed. The applicant shall be released on bail forthwith on furnishing a personal bond in the sum of Rs.10,000/- by the parents or guardians of the applicant, as the case may be, to the satisfaction of the Juvenile Justice Board for his appearance before the Board, as and when directed.

7. The revision is accordingly allowed.

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