

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 984 of 2015

Minor Irmiyas S/o Harun Aged About 12 Years Occupation Student, Represent Through Father Harun S/o Dukhiram, Aged About 32 Years, Caste Uraon, Occupation Farmer, R/o Village Bagudega, Siyarpara, P.S. & Tah. Lailunga, Distt. Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O., P.S. Lailunga, Distt. Raigarh, Chhattisgarh.

---- Respondent

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

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/11/2016

This revision arises out of order dated 05/11/15 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 submits that the Courts below have rejected the application for grant of bail taking into consideration that the applicant is too young, lacks discipline and his father is not giving him proper education.

4. After going through the material on record, social investigation report, I do not find that there is any material to come to the conclusion that in the event of

his release, the applicant is likely to be exposed to moral, physical and psychological danger. The social investigation report only records that the applicant lacks discipline. That by itself, without anything more, is not sufficient to draw inference. Unless exceptional case of rejection is made out on any of the grounds enumerated under Section 12 of the Act of 2000, grant of bail to a juvenile 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