

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 886 of 2016

Sanjay Kurre S/o Anand Ram Kurre @ Nandu Aged About 15 Years R/o Village Jaroud, Police Station Bhatapara (Gramin), District Baloda Bazar - Bhatapara Chhattisgarh (Minor) Through His Natural Guardian Father Anand Ram Kurre @ Nandu S/o Bhagau Ram Kurre, Aged About 38 Years, R/o Village Jaroud, Police Station Bhatapara (Gramin), District Baloda Bazar - Bhatapara Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Baloda Bazar, District Baloda Bazar - Bhatapara Chhattisgarh

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate
For Respondent/State	:	Shri D.R. Minj, Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/11/2016

Heard.

1. This revision is directed against the order dated 22nd August, 2016 by which the learned Appellate Court has affirmed the order of rejection of bail application by the Juvenile Justice Board.
2. Learned counsel for the applicant argues that the Courts below have rejected the application swayed by the nature of allegation without there being any material placed by the prosecution or contained in the Social Investigation Report that the release of the applicant will bring him in association with any known criminals or expose him to moral, physical or physiological danger or otherwise defeat the ends of justice.

3. On the other hand, learned counsel for the State has opposed the application and submitted that the reasons for rejection of bail is that the applicant's family background is not proper. He also submits that at one point of time, father of the applicant was also prosecuted for commission of offence under Section 354 IPC though, later on, he was acquitted of the charge.
4. The material which has been placed before the Court falls short of material to come to the conclusion that release will bring him in association with known criminals or expose him to moral physical or psychological danger or otherwise defeat the ends of justice. Moreover, there is no material to show that in the event of release, the applicant is likely to abscond or tamper with the prosecution witnesses or in any other manner either affect fair conduct of investigation or trial of the case. Therefore, it appears that the nature and gravity of allegation has been main operative reasons for the learned Court below to reject the application which is not permissible under the law.
5. Therefore, the revision is allowed. Impugned order is set aside. Application under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000 is allowed. The applicant shall be released on bail forthwith on furnishing a personal bond in the sum of Rs.10,000/- by the father or mother of the applicant to the satisfaction of the Juvenile Justice Board, for his appearance before the Board as and when directed.

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