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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO. 219 OF 2015

Vikky @ Tanya s/o Narayan Jadhav,
Age – 17 years, Occupation-Nil,
Through his natural guardian and
mother Sangita w/o Narayan Jadhav,
Age : 50 years, Occu. Household,
R/o Lohar Mohalla,
Near Bus Stand,
Jalna, Dist. Jalna

..APPLICANT

VERSUS

The State of Maharashtra,
Through Police Station Sadar Bazar,
Jalna, Dist. Jalna

..RESPONDENT

Mr S.J. Salunke , Advocate for applicant;
Ms R.P. Gaur , Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 4th April, 2016

ORAL ORDER :

Though this application is styled as a revision, essentially it is an application under section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (for short "Act"), for grant of bail to the applicant.

2. Mr Salunke, learned Counsel appearing on behalf of the applicant would strenuously urge that the juvenile in conflict with law, is entitled to bail in view of the fact that that his mother, who is an illiterate woman, has given an affidavit in the form of assurance, that she shall relocate her son to village Telgaon, Taluka Majalgaon at one of her relative's place and

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shall take appropriate care to ensure that henceforth he will not engage in any crime.

3. Relying upon the judgment of this Court, in the matter of **Dattatray G. Sankhe vs. State of Maharashtra & ors.**, reported in **2003 ALL MR (Cri.) 1693**, learned Counsel would submit that right to bail by a juvenile is a statutory right, which is required to be exercised by this Court in routine manner, but for certain exceptional circumstances. According to him, in view of assurance given by the mother of the juvenile and the fact that he will be placed at some other place than his present post of residence, the application be allowed by releasing him on bail.

4. Learned Addl. Public Prosecutor opposed the application on the ground that the Juvenile Justice Board as also the appellate authority has considered the conduct of the present applicant and has noticed that there are no chances of improvement of the applicant, particularly in the background of number of offences registered against him. He then would urge that the order of Juvenile Justice Board speaks volumes about the conduct of the applicant and, therefore, bail was rightly refused. According to her, this Court should also reject the application.

5. Perusal of the record depicts that there are in all 16 offences registered against the applicant-jvenile during the years 2012 to 2014. Most of them are punishable under sections 392, 395, 397, 379, 309 read with section 34 of the Indian Penal Code and under section 4/25 of the

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Arms Act, whereas father of juvenile is already an accused and detained under the provisions of Maharashtra Control of Organized Crime Act, 1999. His mother is an illiterate woman and has sworn an affidavit that she shall take care of the applicant so as to avoid further indulgence of the applicant in any crime.

6. From the background as is reflected from the record, prima facie, it could be inferred that the juvenile in conflict with law, who is seeking his release on bail under section 12 of the Act, appears to be of a criminal mind as is apparent from the number of offences registered against him. It is also required to be noted that his father, who could have taken care of him is already detained under the provisions of Maharashtra Control of Organized Crime Act, 1999. Although the mother of the applicant, who is an illiterate lady has given assurance that she will ensure that the henceforth the applicant will not indulge in any crime and she will shift him to village Telgaon, a place of his relative in adjoining Taluka, yet the fact remains that neither such relative nor the mother has come out with a specific measures as will be taken by them to rectify the conduct of the juvenile.

7. Reliance placed on behalf of the applicant on the judgment in the matter of Dattatray G. Sankhe (supra) will hardly of any assistance. In view of the object of the statute and that there are reasonable grounds for believing that the release is likely to bring the juvenile into association with any known criminal or expose him to moral, physical or psychological

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danger or that his release would defeat the ends of justice, the present bail application needs to be rejected.

8. Having regard to the overall conduct of the applicant, who is in conflict with law, as is observed till today, particularly in the background of criminal history, in my opinion, his release is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger and thus it will not be appropriate, in the interest of justice, to order his release on bail.

9. In view thereof, Criminal Application fails and stands rejected.

(N.W. SAMBRE, J.)

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