

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 206 of 2017

Aakash Sonkar S/o Aged About 18 Years Represented Through His Natural Guardian Suresh Sonkar, S/o Late. Phagwaram Sonkar, Aged About- 40 Years, R/o- Sonkarpara, Lakhenagar, Police Station Azad Chowk, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Shri Pushkar Sinha, Advocate
For Respondent/State	:	Shri Ramakant Mishra, Dy.A.G.

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

Order On Board

10/03/2017

1. The applicant has filed this revision aggrieved by the order dated 10th February, 2017 by which the appellate Court has rejected the appeal against rejection of his application for grant of bail under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as "*the Act*").
2. Learned counsel for the applicant argues that the applicant, at the time of alleged commission of offence, was a juvenile, therefore, in these circumstances, his case is required to be considered as a juvenile in conflict with Law as per the provision contained in Section 12 of the Act. It is next submitted that the allegation is of applicant harassing a girl and it is said that she had committed suicide. Learned counsel for the applicant further submits that the impugned order, except the gravity of offence, does not contain any material to come to the conclusion that in the event of applicant's release, it will bring him in association with any known criminals or expose him to moral, physical or psychological danger. The applicant is not in a position to tamper

with the prosecution witnesses or abscond, therefore, it cannot be said that grant of bail would defeat the ends of justice. Therefore, bail ought to be granted as per the statutory mandate of Section 12 of the Act. It is also submitted that as per Social Investigation Report also, which is placed on record, there is nothing to show that any of the grounds warranting rejection of the bail application are made out. Therefore, at this stage, the applicant may be granted bail because the applicant has to appear in the examination which is starting from 20th March, 2017 onwards.

3. On the other hand, learned counsel for the State has opposed the application by submitting that at present, the case diary is not available, but the manner in which the applicant harassed the girl, due to which she committed suicide, the applicant may not be released on bail.
4. From the impugned order and Social Investigation Report, I did not find any material to come to the conclusion that in the event of applicant's release, it will bring him in association with any known criminals or expose him to moral, physical or psychological danger. In the absence of there being any material, as at the time of alleged commission of offence, the applicant was a juvenile, he is entitled to grant of bail under Section 12 of the Act as per statutorily mandate. More so, because in the Social Investigation Report, there is nothing warranting rejection of his application for grant of bail and it is stated that the applicant has to appear in the examination commencing from 20th March, 2017.
5. In the result, impugned order is set aside. Application under Section 12 of the Act 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.
6. The Revision is accordingly allowed.

Sd/-
(Manindra Mohan Shrivastava)
Judge