

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1137 of 2016

Madhav Yadav S/o Sahdev Yadav Aged About 17 Years R/o Village Kokdi, Police Station Narayanpur, District Narayanpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Collector, District Narayanpur, Chhattisgarh.

---- Respondent

Shri Vikas A. Shrivastava, counsel for the applicant/s.
Shri D.R.Minj, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09/01/2017

This revision arises out of order dated 09/09/2016 passed by the Additional Sessions Judge, Kondagaon by which order dated 24/08/2016 passed by the Juvenile Justice Board 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 submits that applicant is a juvenile. Grant of bail to a juvenile is a mandate unless specific ground of refusal are made out as provided under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'the Act of 2015'). None of the material collected by the prosecution indicate that release of the applicant will expose him to known criminals or the applicant is likely to be exposed to moral, physical or psychological danger. He submits that as the applicant is not likely to abscond or tamper with the prosecution witnesses, his release is also not likely to defeat the ends of justice. Therefore, he may be granted bail.

3. On the other hand, learned State counsel opposes prayer and submits that the applicant had taken number of girls to another station for doing work which amounts to an act of transfer. Therefore, the bail application has been rightly

rejected.

4. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the statement of the girls who had gone along with the applicant to earn wages and that they had not made any allegation of sexual assault or forced labour and further taking into consideration that there are no material to come to the conclusion that the applicant is likely to be associated with known criminals or exposed to physical, moral or psychological danger, in the interest of justice, I am inclined to allow this application.

5. Accordingly, 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 (either father or mother) 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.

6. The revision is accordingly allowed.

Sd/-
(Manindra Mohan Shrivastava)
Judge