

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No.1152 of 2016**

- Horilal Dhruv S/o Late Dhurau Dhruv Aged About 17 Years ,(A Juvenile),
R/o Behind Shriram Maidan, Near Khadan, Taj Nagar, Santoshi Nagar,
Raipur, Police Station Santoshi Nagar, Tehsil & District Raipur,
Chhattisgarh,

Natural Guardian Smt. Bisni Dhruw W/o Late Dhurau Dhruv R/o Behind
Shriram Maidan, Near Khadan, Taj Nagar, Santoshi Nagar, Raipur, Police
Station Santoshi Nagar, Tehsil & District Raipur, Chhattisgarh.

---- **Petitioner**

Versus

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

---- **Respondent**

For Petitioner	:	Smt. Renu Kochar, Advocate
For Respondent/State	:	Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board**

16/03/2017

Heard.

2. This revision petition is arising out of order dated 11-11-2016 passed by the Additional Sessions Judge, Raipur in Criminal Appeal No.219/2016, by which, the appellate authority has rejected the appeal arising out of order dated 15-09-2016 rejecting applicant's application for grant of bail under Section 12 of Juvenile Justice (Care and Protection of Children) Act, 2015 (In short "the Act of 2015").

3. Learned counsel for the applicant argued that in the present case, the applicant, who is a juvenile, has been involved and the nature of allegation, in

the circumstances of the case, do not show that the applicant was the accused/mastermind of commission of offence or the main accused so as to come to the conclusion that in the event of grant of bail, he will come in association with known criminal or the applicant would be exposed to moral, physical and psychological danger or otherwise his release would defeat the ends of justice. It is also submitted that the applicant is not likely to abscond or has no means to tamper the witnesses, therefore, as per the mandate of Section 12 of the Act of 2015, the applicant may be granted bail. It is lastly submitted that the Court below have rejected the bail application without considering the application for grant of bail on its own merits, which is completely contrary to the spirit of provisions of law.

4. On the other hand, learned State counsel submits that applicant was one of the co-accused, who assaulted the deceased with the help of a knife, club etc, and in that assault, the deceased died, therefore, release of the applicant would bring him in association with known criminals or the applicant would be exposed to moral, physical and psychological danger.

5. It is well settled that consideration for grant of bail under Section 12 of the Act of 2015 are different. Grant of bail to a juvenile is a mandate. Further, only on any of the three circumstances enumerated under Section 12 of the Act of 2015, the Court below may refuse to grant bail to a juvenile, are as under:-

- (A) the applicant will come in association with known criminal or;
- (B) the applicant would be exposed to moral, physical and psychological danger or,
- (C) otherwise release of the applicant would defeat the ends of justice.

6. I have gone through the case diary. It appears that initially a dispute arose between some of the parties, when the applicant was not present. Later on, it is

said that number of persons joined the dispute including the present applicant. Allegation against the applicant is that one of the main accused snatched knife from the hands of the applicant and inflicted fatal blow on the deceased.

7. Upon perusal of social investigation report, I do not find that it contains any material warranting rejection of the bail application of the applicant only on the grounds stated hereinabove, This Court has been noticed that the co-accused has already been granted bail on the ground that the prosecution witnesses have not supported the case. In the absence of there being any cogent and specific material to draw an inference of the nature as enumerated under Section 12 of the Act of 2015 referred to above, statutory mandate under Section 12 of Act of 2015 has to be respected.

8. In the result, the revision is allowed. The impugned order passed by the appellate Court as well as by the Juvenile Justice Board are hereby quashed. The applicant-Juvenile shall be released on bail forthwith on furnishing 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 on all dates of trial.

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