

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No.21 of 2017

- Komal Singh S/o Rajkumar Kosle, Aged About 17 Years R/o Village Sarwani, Police Station Kasdol, District Baloda Bazar Bhatapara, Chhattisgarh. (Minor Through The) Hemkumar S/o Ruplal Satnami, Aged About 30 Years, R/o Village Banganaud, Chowki Lawan, Police Station Kasdol, District Baloda Bazar Bhatapara, Chhattisgarh. (In Appeal) (Now Revisionist) Legal Natural Gurdian Smt. Panchmati Kurre W/o Mohan Lal Kurre, Aged About 32 Years, R/o Semharadih, Police Station Bilaigarh, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Petitioner

Versus

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

---- Respondent

For Petitioner	:	Shri Suresh Verma, Advocate
For Respondent/State	:	Shri D. R. Minz, Dy.GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/01/2017

Heard.

2. This revision petition is arising out of order dated 13-10-2016 passed by the Additional Sessions Judge, Baloda Bazar in Criminal Appeal No.94/2016, by which, the appellate authority has rejected the appeal arising out of order 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 submits that grant of bail under Section 12 of the Act of 2015 is statutory mandate and only on the ground of gravity of allegation, the application could not be rejected unless any of the grounds justifying rejection as enumerated under Section 12 of the Act of 2015 are made out. It is submitted that the background of the incident narrated by the learned

appellate Court reveals dispute with regard to partition of family land and in course of that dispute, the alleged victim has been assaulted, by which, number of charges have been levelled against the applicant, except this, there is no other material available on record nor discussed by the learned appellate Court to arrive at satisfaction that release would bring the juvenile in association with known criminal or is likely to subject the juvenile to physical, mental or psychological danger or otherwise release would defeat the ends of justice. Therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel submits that the Court below has taken into consideration the poor economic condition and existing dispute in the family, rejected the petitioner's application for grant of bail.

5. Having heard learned counsel for the parties, I do not find that the learned Court below had any material to arrive at satisfaction on any of the three grounds enumerated under Section 12 of the Act of 2015. In the absence of there being any material on record, only on the ground of poor financial condition and existence of dispute in the family, the application for grant of bail ought not to have rejected.

6. 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