

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 109 of 2017

Pappu Sahu @ Abdulla S/o Hiralal Sahu @ Samaru Aged About 17 Years R/o New Laxmi Nagar Mowa, Police- Station- Pandari Raipur, District- Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station- Pandari District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri B.L. Sahu, Advocate
For Respondent/State	:	Shri B. Gop Kumar, Dy.A.G.

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

Order On Board

21/02/2017

Learned counsel for the State submits that the diary has not been received.

1. This matter relates to application for grant of bail by a juvenile (in conflict with law) who is alleged to have committed an offence under Section 34 (2) of the Excise Act which is punishable with maximum sentence of three years.
2. Learned counsel for the applicant argues that while rejecting application for grant of bail, the Juvenile Justice Board as well as the Appellate Court both have ignored the statutory mandate of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as "*the Act*"). He submits that the applicant has not been arrested on the allegation of having committed any serious or heinous offence and in a matter like this, in the absence of there being any clinching material to arrive at any satisfaction 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 or otherwise defeat the ends of justice, bail ought to be granted.

3. On the other hand, learned counsel for the State has opposed the application and submitted that the learned lower appellate Court has recorded that from the possession of the applicant, 5.4 bulk litres of liquor was seized which shows that if the applicant is released, it would defeat the ends of justice.
4. The order of the Court below does not refer to any material to arrive at a satisfaction that release of the applicant would defeat the ends of justice. There is nothing to show that the applicant is in a position to tamper with prosecution witnesses or hinder a fair investigation of the matter or that he is likely to abscond or flee away from the justice. Therefore, the impugned order cannot be sustained in law. It has been held time and again by this Court in catena of decisions that grant of bail under Section 12 of the Act is a mandate of Law which could be refused only when there is cogent material to warrant satisfaction that release would bring the juvenile in conflict with Law in association with any known criminals or expose him to moral, physical or psychological danger or otherwise defeat the ends of justice.
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