

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 171 of 2017

Ashish Yadav S/o Bharat Yadav, Aged About 16 Years R/o Village Mehta Ward, Bhatapra, Police Station Bhatapara (City) District Baloda Bazar Bhatapara Chhattisgarh (Minor) Through Natural Guardian Mother Kala Bai W/o Bharat Yadav, Aged About 40 Years, R/o Village Mehta Ward, Bhatapara, Police Station Bhatapara (City) District Baloda Bazar Bhatapara Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Baloda Bazar District Baloda Bazar Bhatapara Chhattisgarh

---- Respondent

For Applicant	:	Shri Atul Pandey, Advocate
For Respondent/State	:	Shri Neeraj Sharma, Dy. Govt. Advocate

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

Order On Board

06/03/2017

Heard.

1. The applicant has been apprehended by the Juvenile Police Unit on the allegation of having committed offence under Section 377 IPC and Section 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.
2. The application for grant of bail under Section 12 the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as "*the Act*") was rejected by the Juvenile Justice Board and thereafter, appeal has also been dismissed by the learned Sessions Judge giving rise to this revision.
3. Learned counsel for the applicant argues that the applicant is a juvenile and looking to his juvenility, he is entitled to grant of bail as a matter of course as per statutory mandate of Section 12 of the Act. He submits that the Court below have failed to carry out statutory mandate only on the allegation of gravity of

offence against the applicant. The application has been rejected without there being any material to draw an inference that release of the applicant would bring him in association with known criminals or expose him to moral, physical or psychological danger or otherwise defeat the ends of justice.

4. On the other hand, learned counsel for the State opposes the prayer and submits that the manner in which the applicant had committed offence and the target of offence being a 5 and ½ years boy who was taken to a different corner by the applicant, shows his mental depravity and therefore, the applicant may not be released because the applicant, a juvenile, appears to have developed some depraved condition of mind.
5. I have considered the rival submissions made by learned counsel for the parties.
6. The allegation against the applicant is that the applicant had taken a 5 & ½ years boy to a corner in the school and the manner in which he committed unnatural act with the boy aged 5 & ½ leads this Court to draw an inference that the applicant suffers from a kind of mental depravity and if he is released, at this stage, it may expose him to mental or psychological danger. The applicant needs to be continued in the Observation Home which is also a place of reform under the scheme of the Act of 2015.
7. The revision is therefore dismissed. The applicant shall continue in the Observation Home until appropriate orders are passed by the Juvenile Justice Board with regard to case of the applicant.

Sd/-
(Manindra Mohan Shrivastava)
Judge