

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 194 of 2017

Krishnakant Netam S/o Arjan Singh Netam (Pardhi) Aged About 17 Years R/o Dabarapara Power House Bhilai Police Station Bhilai, Police Station Bhilai -3 District Durg Chhattisgarh Through Legal Guardian Fathar Arjan Singh Netam.

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate, District Raipur
Chhattisgarh

---- Respondent

Shri C.K.Sahu, 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

17/02/2017

This revision arises out of order dated 01/02/2017 passed in appeal by which, the learned lower Appellate Court has dismissed the appeal of the applicant, a juvenile in conflict with law, affirming the order rejecting juvenile's application for grant of bail under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'the Act of 2015').

2. Learned counsel for the applicant submits that the applicant has been arrested on the allegation of having committed offence under Section 34 (2) of the Excise Act. He submits that the applicant being a juvenile and not alleged to have committed heinous offence should have been granted bail under the statutory mandate provided under Section 12 of the Act of 2015 but the Courts below, ignoring this position and without there being any clinching material to show that his release would bring him in association with any known criminals or expose him to moral, physical or psychological danger or would otherwise defeat the ends of justice, mechanically rejected the bail application.

3. On the other hand, learned State counsel submits that the Courts below, while rejecting the application, has recorded that in the event of grant of bail, the

applicant is likely to expose to psychological danger.

4. After going through the impugned order, I do not find that there is any material which could lead to such a conclusion. The applicant is alleged to have committed an offence under Section 34 (2) of Excise Act, which is not in a category of a heinous offence. The reason which has been assigned in the impugned order hardly related to any of the ground stated in Section 12 of the Act of 2015 to reject the bail application. The Courts below appear to have ignored the statutory mandate provided under Section 12 of the Act of 2015.

5. In view of above consideration, the impugned order cannot be sustained and is, therefore, set aside. 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 or guardians 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