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**HIGH COURT OF CHHATTISGARH, BILASPUR****CRR No. 172 of 2017**

Abhishek Singh S/o Subhash Singh, Aged About 12 Years R/o Ward No.1, Rohnipuram, Gol Chowk, In Front Of Baba Laundry, Police Station D. D. Nagar, Raipur, District Raipur Chhattisgarh, (Presented Through Legal Guardian Father Subhash Singh, S/o Banrasi, Aged About 48 Years R/o Ward No.1, Rohnipuram, Gol Chowk, In Front Of Baba Laundry, Police Station D. D. Nagar, Raipur District Raipur Chhattisgarh ---- **Applicant**

**Versus**

State Of Chhattisgarh Through The District Magistrate, Raipur, District Raipur Chhattisgarh And Also Through Police Station D. D. Nagar, Raipur District Raipur Chhattisgarh ---- **Respondent**

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|---------------|---|-----------------------------|
| For Applicant | : | Mr. P.K. Patel, Advocate    |
| For State     | : | Mr. Neeraj Sharma, Dy. G.A. |

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**And****CRR No. 243 of 2017**

Shwet Mishra (Juvenile) S/o Dayashankar Mishra, Aged About 11 Years Through His Legal / Natural Guardian Father Dayashankar Mishra, S/o Dholan Mishra, Aged About 46 Years R/o Ganesh Nagar, Near Sahu Atta Chakki, Raipura, Post Office Raipur Police Station D. D. Nagar, Raipur, District Raipur Chhattisgarh

---- **Applicant****Versus**

State Of Chhattisgarh Through The District Magistrate, Raipur, District Raipur Chhattisgarh ---- **Respondent**

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|---------------|---|-------------------------------|
| For Applicant | : | Mr. Shivendu Pandya, Advocate |
| For State     | : | Mr. Neeraj Sharma, Dy. G.A.   |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava****Oral order****07/03/2017**

Heard.

1. The aforesaid two revisions are being disposed off by this common

order as the two revisions arise out of the same crime number.

2. The two applicants juvenile have been arrested on the allegation of having committed offences under Section 323 & 377 read with Section 34 of IPC as also on the allegation of commission of offence under Section 4 of the Protection of Children From Sexual Offences Act, 2012.

3. Learned counsel for the applicants argued that the applicants are 11 and 12 years of age and they being juvenile of very tender age, at this stage, they ought to be released on bail under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'the Act of 2015'). Next submission is that no material has been brought before the Court to come to the conclusion that the release of the applicants will bring them in association with known criminal or will expose them to mental, physical or psychological danger or their release would otherwise defeat the ends of justice.

4. On the other hand, learned State counsel submits that the applicants though are of very tender age, however, the manner in which, they caught hold of one of the colleague dragging in the bathroom and then committed the offence shows that the applicants have been exposed to unwarranted surroundings and if they are released on bail, the applicants are likely to be exposed to physical, mental or psychological danger.

5. Grant of bail under Section 12 of the Act of 2015 is statutory mandate. Unless any of three grounds as enumerated in Section 12 of the Act of 2015 are made out, bail cannot be denied to be a juvenile. Even gravity of offence by itself, without anything more, may not be a ground to reject the application. The two applicants are said to be aged 11 & 12 years which shows that they are of very tender age. There is no material placed before this Court by the prosecution to show that in the event of grant of bail, their release is likely to be expose them to moral, physical and psychological danger, or would bring them in association with any known criminals or would otherwise defeat the ends of justice. There is hardly any reason to believe that the applicants, in the event of release, may either abscond or tamper with any prosecution witnesses. Therefore, in these circumstances, I do not think that there was any reason to reject the application for grant of bail under Section 12 of the Act of 2015.

6. In view of the above, the impugned order in both the revisions is set aside. The application under Section 12 of the Act of 2015 is allowed. Each of the applicants shall be released on bail on furnishing a personal bond in the sum of Rs.10,000/- by either father or mother of the respective applicants, to the satisfaction of the Juvenile Justice Board for their appearance before the Board, as and when directed.

7. Both the revisions are accordingly allowed.

Sd/-

**(Manindra Mohan Shrivastava)**  
**Judge**

Rekha