

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 264 of 2017**

Devesh Janghel (Juvenile) S/o Narendra Janghel, Aged About 13 Years Through His Legal/ Natural Guardian Father Narendra Janghel, S/o Paitram Janghel, R/o Ramkund, Gangaram Nagar, Near Janghel Kirana Store, Raipur, Post Office Raipur, Police Station Azad Chowk, Raipur, District Raipur Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through The District Magistrate, Raipur,
District Raipur Chhattisgarh

---- Respondent

For Applicant	:	Mr. Tarun Dadsena, Advocate
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Oral order****08/03/2017**

Heard.

1. This revision petition arises out of order dated 25.01.2017 by which the Appellate Authority has affirmed the order of rejection of application for grant of bail moved by the juvenile.
2. The applicant juvenile has 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 applicant argued that the applicant is 13 years of age and he being juvenile of very tender age, at this stage, he 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 applicant will bring him in association with known criminal or will expose him to mental, physical or psychological danger or his release would otherwise defeat the ends of

justice.

4. On the other hand, learned State counsel submits that the applicant though is of very tender age, however, the manner in which, he caught hold of one of the colleague dragging in the bathroom and then committed the offence shows that the applicant has been exposed to unwarranted surroundings and if he is released on bail, the applicant is 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 applicant is said to be aged 13 years which shows that he is 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, his release is likely to be expose him to moral, physical and psychological danger, or would bring him in association with any known criminals or would otherwise defeat the ends of justice. There is hardly any reason to believe that the applicant, 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 is set aside. The application under Section 12 of the Act of 2015 is allowed. The applicant shall be released on bail on furnishing a personal bond in the sum of Rs.10,000/- by either father or mother of the applicant, to the satisfaction of the Juvenile Justice Board for his appearance before the Board, as and when directed.

7. The revision is accordingly allowed.

Sd/-

(Manindra Mohan Shrivastava)
Judge