

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL REVISION APPICATION (REVN) NO.170/2018

Suraj s/o Kanhaiyalal Kawale and others

Vs.

The State of Maharashtra, through P.S.O., P.S.Khaparkheda

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : M.G.GIRATKAR, J.
DATE : 24.10.2018

Heard Shri C.R.Thakur, learned counsel for applicants.

He has submitted that in view of judgment in the case of **Chandan Kumar Vs. The State of Bihar (delivered in Criminal Revision Application No.1421/2011, High Court at Patna)**, the applicants are entitled for default bail, as per provisions of Section 167 of the Code of Criminal Procedure. The Juvenile Justice Board has not accepted their contentions and rejected the application grant of bail, as per the provisions of Section 167(2) of the Code of Criminal Procedure.

There is a provision in the Juvenile Justice (Care and Protection of Children) Act, itself that the Board has to see about care and protection of the delinquent child in accordance with law. As per judgment in the case of Chandan Kumar Vs. The State of Bihar, provisions of Section 167 of the Code of Criminal Procedure is also applicable before the proceeding in Juvenile Justice Board.

Shri Jawade, learned APP has submitted that the orders passed by both the Courts below are well reasoned. It is expected from the Juvenile Justice Board to take care and protection of the child. As per his submissions the applicants are involved in various crimes and therefore, their parents are not ready to take their custody.

Shri Thakur, learned counsel for the applicants submits that the parents of all the applicants are ready to file their respective affidavits before the Juvenile Justice Board. Hence the following order:

ORDER

(1) Juvenile Justice Board is directed to consider the application of all the applicants, in view of Section 167 of the Code of Criminal Procedure.

(2) The parents of all the applicants shall file their respective affidavits before the Juvenile Justice Board.

With these directions, the Criminal Revision Application is disposed of.

JUDGE

Andurkar