

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 1236 of 2019

Ranjeet, S/o. Ramdhani, Aged About 15 Years, Through : Legal Guardian
Father Ramdhani son of Budhu, aged about 50 years, R/o. Village Dhodhi,
Police Chowki Wadraf Nagar, Police Station -Basantpur, District Balrampur-
Ramanujganj Chhattisgarh

---- Petitioner

Versus

State of Chhattisgarh, Through : The District Magistrate, District Balrampur
- Ramanujganj Chhattisgarh

-----Respondent

For Petitioner	: Mr. Ram Narayan Sahu, Advocate
For Respondent/State	: Mr. Arijit Tiwari, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

21/11/2019

1. Challenge in this petition is to the order dated 04.06.2019, passed by learned Sessions Judge, Balrampur at Ramanujganj, District – Balrampur-Ramanujganj, in Criminal Appeal No. 30/2019, whereby the appeal preferred by the applicant/juvenile against the order of Magistrate, Juvenile Justice Board, Balrampur, District – Balrampur-Ramanujganj dated 09.05.2019, in Criminal Case No.12/2019 has been dismissed, whereby the applicant has been denied bail.

2. It is submitted that the learned Juvenile Justice Board as well as Appellate Court has not given any proper reasoning for dismissal of the prayer of the applicant for grant of bail, which shows disregard to the provisions under Section 12 the Juvenile Justice (Care and Protection of Children) Act, 2000. The only consideration given is this that the prosecutrix in this case is 16 years of age and she has become pregnant because of her exploitation by this applicant, which is not a subject of consideration for grant of bail in such case particularly when the applicant himself is a juvenile and therefore, the revision be allowed.
3. State counsel opposes the petition and grounds raised in this respect. It is submitted that the act of the applicant has led to serious consequences. Minor prosecutrix in this case is having pregnancy of 7 months after she was exploited by the applicant, therefore, the applicant is not entitled for any relief.
4. Section 12 of the Juvenile Justice Care and Protection Act, 2000 provides that whenever juvenile in conflict with law is arrested he shall be released on bail or shall be placed under care and custody of his guardian or institutions or under a Probation Officer. The rejection of prayer is exception according to this provision, which speaks that if there appear reasonable grounds for believing that the release is likely to bring the juvenile into association with any known criminals or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice only then his prayer can be rejected, therefore, according to this provision grant of bail is rule while rejection is exception and the reasons

mentioned in the impugned order do not appear to be sufficient and not supported with other facts and circumstances therefore, it is only the observation by the Court itself. The Court can give opinion, which should be based on the facts and circumstances already present in the case. Therefore, in this case, the rule should have been followed and it was not a case of exception, therefore, I feel inclined to allow this revision petition.

5. Consequently, the order dated 04.06.2019 and 09.05.2019 passed by the Sessions Judge as also the Juvenile Justice Board are set-aside. It is directed that applicant shall be released on bail on furnishing a surety of Rs.25,000/- which is to be of his father to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge