

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRR No. 365 of 2020**

- Juvenile In Conflict With Law Through Asmun Begam W/o Mansur Ali, S/o Jamman Ali, R/o Bada Bazar Sonkar, Mohhlla Chirimiri District-Koriya, Chhattisgarh, (Mother) (Father Name Of Applicant Wrongly Mentioned In The Order Impugned), District : Koriya (Baikunthpur), Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through- Police Station Chirimiri, District-Koriya, Chhattisgarh.

**---- Respondent**

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| For applicant  | : | Mr. P.K. Tulsiyan, Advocate.     |
| For Respondent | : | Mr. D.P. Singh, Dy. Adv.General. |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order On Board**

**20/07/2020**

Heard.

1. This revision petition has been brought being aggrieved by the order dated 04.10.2019 (Annexure-A/1) passed by the learned Special Judge (POCSO Act)/ Judge, Children Court Koriya (Baikunthpur), Chhattisgarh in Criminal Appeal No.89/2019, affirming the order dated 05.09.2019 passed by the Juvenile Justice Board, Koriya, Chhattisgarh thereby rejecting the prayer for grant of bail to the applicant.
2. It is submitted by the learned counsel for the applicant, that applicant, who is a child in conflict with law, is innocent and has been falsely implicated in this case. It is submitted that the learned Board as well as the appellate Court both have failed to see that none of circumstances/ grounds, as provided under Section 12 of the Juvenile Justice (Care & Protection of Children) Act, exists in the present case based on which bail could be declined to the applicant. He submits that there had been

no specific reason for rejection of prayer made by the applicant, therefore, both the orders impugned herein are liable to be set aside and the applicant deserves to be released on bail.

3. Learned State Counsel opposes the petition and submissions made in this respect. It is submitted that in this case the age of victim is only 3½ years, therefore, it is an act of perversity. In the given facts and looking to the social status report of the applicant, he is not entitled for grant of bail. The Courts below have not committed any error in refusing to grant bail to the applicant and consequently, the impugned orders do not call for any interference in exercise of revisional jurisdiction of this Court.
4. I have heard both the parties and perused the documents present on record.
5. Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 deals with grant of bail to a person, who is a juvenile, and under which bail is a rule and rejection is an exception. Bail can be refused to a juvenile only the grounds as mentioned in Section 12 of the Act, 2015. It is alleged that the applicant has inserted finger in the private part of the prosecutrix of aged about 3½ years. The act alleged against the applicant in this case is included in the definition of 'rape' after the amendment of year 2013.
6. Gravity of an offence is never a criteria for denying bail to a juvenile and it can only be refused to a juvenile when the Court is of the opinion that releasing the juvenile will bring him in the association of some known criminals or he will be exposed to moral, physical or psychological danger or the ends of the justice will be defeated. In the case at hand, the alleged act said to have been committed by the applicant, itself demonstrates the perversity of the mind of juvenile; he is already at the edge of morality and that he appears to be exposed to psychological danger. Apart from that, if the nature of allegation against the applicant is considered as it is, it would show that release of applicant would defeat the ends of justice. Hence, this Court is of the considered view that the the Board as well as by the appellate Court has not committed any error in denying bail to the applicant.

7. Consequently, this revision petition stands dismissed.

Sd/-

(Rajendra Chandra Singh Samant)  
Judge

Nisha