HIGH COURT OF MADHYA PRADESH

Criminal Revision No.5644/2019

(*Sumit Vs. State of M.P.*)

Jabalpur, Dated :17.06.2020

Shri Sunil Mishra, learned counsel for the applicant.

Shri Akshay Pawar, learned Panel Lawyer for the respondent/State.

On account of the prevailing conditions worldwide, brought about by the COVID 19 virus, this revision has been heard and decided through video conferencing, to maintain social distancing. The necessary parties have effectively been represented by their respective counsels through video conferencing.

This Criminal Revision is filed under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

The allegation against the applicant is that he has assaulted and committed the murder of deceased Rohit by means of knife. Therefore, he was arrested and produced before the Juvenile Justice Board. The Juvenile Justice Board sent the applicant to Reform Home, Chhindwara, where presently he is residing. On behalf of the juvenile, application for bail was filed by the local guardian (mother). Learned Juvenile Justice Board after obtaining the report from the Probationary Officer, rejected the application. This order of Juvenile Justice Board was challenged in appeal before the Sessions Judge, Chhindwara, who made over the appeal to the First Additional Sessions Judge, Chhindwara, who dismissed the appeal by the order impugned, hence this revision petition.

On the last date of hearing, this Court has called for the report of the Probationary Officer, which is available on record. The Probationary Officer has stated that there is possibility of

improvement in the conduct of the juvenile, therefore, he may be released and placed under the custody of his local guardian (mother). It is stated that the applicant in a fit of rage has attacked the deceased with a knife as deceased had many a times tried to misbehave with his younger sister.

Considering the positive report of the Probationary Officer, this application is allowed. It is directed that the juvenile shall be released from the custody and be placed under the custody of the local guardian (mother) subject to furnishing a personal bond in the sum of **Rs.20,000/-** (**Rs. Twenty Thousand only**) with one surety in the like amount to the satisfaction of the Juvenile Justice Board for his appearance before the said Board on the dates given by the Juvenile Justice Board.

Once the Board is satisfied, as regards the bail bonds, the authorities shall comply with the directions given by the Supreme Court by ensuring that he is first examined by the doctor and if he shows any symptoms of COVID 19, refer him to such hospital designated by the Board and the said hospital, thereafter shall follow the protocol laid down by the Board, with regard to the applicant. The Board shall also comply with the directions of the Supreme Court passed in Writ Petition No.1/2020 about his transportation from Reform Home, Chhindwara to his place of residence.

Accordingly this revision petition stands disposed of.

A typed copy of this order is being forwarded by the Registry to the Office of the Advocate General and to Mr. Akshay Pawar, learned Panel Lawyer, on their respective email address, for intimation to the Juvenile Justice Board concerned.

(Nandita Dubey)
Judge

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