

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.3789 OF 2021

Rehman Akhtar Alam Father
of Motibur Rehman Akhtar Alam ... Petitioner
Vs
The State of Maharashtra ... Respondents
...

Mr. Akshay Bankapur with Mr. Kamlesh Palekar for the
Petitioner.

Mr. A.R. Patil , APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE J.
DATE : NOVEMBER 30, 2021.

P.C. :

Applicant is 'child in conflict with law' ('CCL' for short). His father has moved this Petition for bail under Section 12 of the Juvenile Justice (Care and Protection of Children) 2015. In terms of Section 12 of the said Act, when any person, who is apparently a child and is alleged to have committed a non-cognizable offence, is apprehended or detained by the

police or appears or brought before a Board, shall be released on bail notwithstanding anything contained in the Code of Criminal Procedure, 1973, with or without surety or placed under the supervision of a Probation Officer unless there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the person's release would defeat the ends of justice and the board shall record the reasons for denying the bail.

2 CCL's complicity was disclosed in Crime No.390 of 2020 registered with Santacruz Police Station for the offences punishable under Sections 302, 342 read with Section 34 of the Indian Penal Code, 1860.

3 The Principal Magistrate, Suburban Juvenile Justice Board, 21st Court, Dongri, Mumbai declined to

release the CCL. Whereafter in appeal, the learned Special Judge rejected his appeal and declined to release him on bail on the ground that CCL was involved in, heinous offence of murder. These two orders are assailed in this Writ Petition.

4 Heard the learned counsel for the petitioner, and Mr. Patil, the learned Prosecutor for the State.

5 Report was called from the Probation Officer, Observation Home, Umarkhadi, Mumbai. It is taken on record and marked **“X-1” for Identification.** Probation Officer submitted that, for the first time, CCL, was admitted in the Observation Home. He recommended that the, CCL needed proper supervision and suitable ‘NGO’ can be directed to supervise CCL for his further education/skill base training and overall development. Also, reported that CCL was found, maintaining discipline, in the observation home; CCL

was found silent, well-behaved, co-operative and hard working.

6 CCL was arrested on 26th December, 2020 and is in Observation Home since 30th January, 2021.

7 Final report of investigation is filed.

8 In consideration of the facts of the case and report of the probation officer, CCL is directed to be released on bail, on his father executing PR bond in the sum of Rs.15,000/- for ensuring production of CCL before the Juvenile Justice Board once in a month, i.e., 2nd Monday of every month in the morning at 11 a.m. till further orders.

9 Juvenile Justice Board shall take all such steps, as recommended by the Probation Officer, and in particular, suitable 'NGO' be directed to supervise CCL

for his further education and/or skill base training.

10 That father of CCL shall submit particulars of his residence and contact details to the Board within two weeks from today.

11 Writ Petition is allowed and disposed of.

(SANDEEP K. SHINDE, J.)