

GRM

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

ANTICIPATORY BAIL APPLICATION NO. 3111 OF 2022

PURSHOTTAM TIWARI ACTING
THROUGH ITS GUARDIAN GOPAL
SURYAPRAKASH TIWARI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Sumit Khanna a/w Mr. Gopal Tripathi, Adv. for the
applicant.

Mr. N. B. Patil, APP for Respondent No. 1-State.

Ms. Gargi Warunjikar, Adv. for Respondent No. 2.

Mr. B. D. Chavan, PSI attached to Sakinaka Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 5, 2022.

P.C. :

1. The applicant is a child in conflict. The FIR is registered by the complainant under Sections 376 & 341 of Indian Penal Code, 1860 and under Sections 4, 8 & 12 of the Protection of Children from Sexual Offences Act, 2012.

2. My attention is invited to Section 12 of Juvenile Justice (Care & Protection of Children) Act, 2015. Sub-section (1) stipulates that

“When any person, who is apparently a child

and is alleged to have committed a bailable or non-bailable offence, is apprehended or detailed by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person."

The proviso stipulates that

"Such person shall not be so released if 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 persons' release would defeat the ends of justice, and the Board shall record the reasons for denying the bail and circumstances that led to such a decision."

3. Since the learned Counsel for the applicant, on instructions, has made a statement that the applicant is willing to appear before the Juvenile Justice Board on 8th December, 2022, accepting the statement, the anticipatory bail application is disposed of, as not pressed.
4. The applicant not to be arrested till 9th December, 2022.
5. The Juvenile Justice Board may consider the application

for bail filed by the applicant in accordance with law. I appreciate the assistance rendered by Ms. Gargi Warunjikar, the learned Advocate, who appeared on behalf of the complainant.

(M. S. KARNIK, J.)