IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SMT. JUSTICE SUNITA YADAV

ON THE 5th OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 4919 of 2024

BETWEEN:-

ROHIT S/O SHRI PHOOL SINGH BHEEL, AGE ABOUT 17 YEARS, MINOR UNDER GUARDIANSHIP OF FATHER PHOOL SINGH S/O SHRI JAGANNATH, AGED ABOUT 39 YEARS, OCCUPATION: AGRICULTURIST, R/O VILLAGE GAADER, POLICE STATION JAMNER, DISTRICT GUNA (MADHYA PRADESH)

.....APPLICANT

(BY SHRI H.K.SHUKLA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION JAMNER, DISTRICT GUNA (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI PRABHAT PATERIYA - DY. PUBLIC PROSECUTOR)

This application coming on for admission this day, the court passed the following:

ORDER

This is first application u/S.439 of Cr.P.C. for grant of bail in connection with Crime No. 08 of 2024 registered at Police Station Jamner, District Guna (M.P.) for the offence punishable under Sections 4 and 5 of Explosive Substance Act 1908.

Learned counsel for the applicant/accused argued that at the time of incident, the applicant - Rohit was minor. Under these circumstances, the applicant is entitled to get the benefit of interim bail until the question of his

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minority has been decided by the Competent Court. In support of his argument, he has filed the copies of Birth Certificate & Adhar Card, according to which the date of birth of applicant is 02.02.2006.

Per contra, learned Dy. Public Prosecutor for the State has opposed the bail application and prays for its dismissal.

Heard learned counsel for the rival parties and perused the case diary.

As per the Birth Certificate & Adhar Card, present applicant is below 18 years of age at the time of incident. However, this Court is not empowered to hold inquiry in respect to age of the applicant claiming to be juvenile; therefore, in the light of mandatory provisions of The Juvenile Justice (Care and Protection of Children) Act, 2015, the age of the applicant is required to be examined by The Juvenile Justice Board.

In view of above when the claim of the juvenility is raised by the applicant with the support of Birth Certificate & Adhar Card showing his age below 18 years, this Court thinks it appropriate to grant him interim bail until the inquiry is concluded by the Juvenile Justice Board Guna (M.P.).

Consequently, it is hereby directed that the applicant shall be released on interim bail on his furnishing a personal bond of **Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties** of the like amount to the satisfaction of the concerned trial Court.

It is further directed that the applicant shall appear before the Juvenile Justice Board Guna (M.P.) within a period of three working days from the date of his release on interim bail alongwith certified copy of this order as well as the relevant documents in relation to his age. The Board is hereby directed to complete the inquiry as per Rules within the stipulated period of time of four months from the date of receiving the copy of this order. The interim bail

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granted by this Court shall automatically cancelled, in case, the applicant is not found to be juvenile on the date of commission of offence. In that case, the applicant shall surrender immediately before the concerned trial Court which shall take him under custody and send him to jail.

I f the applicant is found to be juvenile, he will be at liberty to file appropriate application before the concerned Court/Authority.

This order will remain operative subject to compliance of the following conditions by the applicant:-

1) The applicant will comply with all the terms and conditions of the bond executed by him/her;

2) The applicant will cooperate in the investigation/trial, as the case may be;

3) The applicant will not indulge himself/herself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;

4) The applicant shall not commit any offence during pendency of the trial, failing which, this bail order shall stand cancelled automatically without further reference to the Bench;

5) The applicant will not seek unnecessary adjournments during the trial; and

6) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

This petition is disposed of with aforesaid directions.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

E-copy/Certified copy as per rules.

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(SUNITA YADAV)
JUDGE

AK/-

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