HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Revision Petition No. 1365/2024

Karan Meena S/o Shri Manglarm Meena, Aged About 17 Years and 09 Months, R/o Malawala, P.S. Jamwaramgarh, Distt. Jaipur Rural, Raj., Through Guardian Elder Brother, Rahul Meena S/o Shri Manglarm Meena, Aged About 20 Years, R/o Malawala, P.S. Jamwaramgarh, Distt. Jaipur Rural, Raj.
(Presently Rehibilited In Child Welfare Home Ajmer.)

----Petitioner

Versus

1. State Of Rajasthan, Through PP
2. Bhanwarlal Royal S/o Shri Moduram Royal, R/o Village Midiyan, P.S. Gachhipura, Distt. Didwana-Kuchaman.

----Respondents

For Petitioner(s)	:	Mr. Manish Dadhich
For Respondent(s)	:	Mr. Narendra Gehlot, PP with Mr. Om Prakash Choudhary

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HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Judgment

05/02/2025

Heard learned counsel for the petitioner (juvenile- through his natural guardian) as well as learned Public Prosecutor.

The allegation against the petitioner are of offences under Sections 384, 506 & 120-B of IPC. The bail application filed by the petitioner under Section 12 of the Juvenile Justice Act, 2015 before learned Principal Magistrate, Juvenile Justice Board, Nagaur was rejected vide order dated 27.06.2024. Being aggrieved by the said order, an appeal was filed by the petitioner before the learned Session Judge, Merta and the same has been dismissed by learned Appellate Court vide impugned order dated 02.08.2024.

Being aggrieved of the orders dated 27.06.2024 and 02.08.2024 passed by the Courts below, the petitioner has preferred this revision petition before this Court.

Counsel for the petitioner submits that no specific role has been assigned to the present petitioner and the trial of the case will take sufficiently long time to conclude. Furthermore, there is no evidence to show that if the juvenile-petitioner is released on bail, then his release is likely to bring him into association with any known criminal, or expose him to moral, physical or psychological danger, or that his release would defeat the ends of justice. It is argued that learned Courts below have not appreciated the fact that the petitioner is juvenile and entitled to get benefit of provisions of the Act of 2015. Section 12 of the Act of 2015 clearly provides that if the accused is juvenile, then he should be released on bail, but learned Courts below fully ignored the provisions of the Act of 2015. The petitioner is in juvenile observation home since 27.03.2024 and no further detention of the petitioner is required for any purpose. Learned counsel for the petitioner further submitted that the gravity of the offence committed cannot be a ground to decline bail to a juvenile.

On the other hand, learned Public Prosecutor defended the impugned order passed by the Juvenile Justice Board in declining the bail to the petitioner as also the judgment passed by the Appellate Court upholding the order passed by the Juvenile Justice Board.

I have carefully considered the submissions made by the learned counsel for the parties and also perused the provisions of the Act of 2015.

The language of Section 12 of the Act of 2015 conveys the intention of the Legislature to grant bail to the juvenile, irrespective of nature or gravity of the offence, alleged to have been committed by him and bail can be denied only in the case where there appears reasonable grounds for believing that the release is likely to bring him into association with any known criminal, or expose him to moral, physical or psychological danger, or that his release would defeat ends of justice.

In this context, I have also scanned through and perused the orders passed by the courts below. Having carefully examined provisions of the Juvenile Justice Act vis-a-vis the orders passed by the courts below, I do not find that any of the exceptional circumstances, to decline bail to a juvenile, as indicated in Section 12 of the Act of 2015, is made out.

In view of the aforesaid discussion, this revision petition is allowed and the order dated 27.06.2024 passed by learned Principal Magistrate, Juvenile Justice Board, Nagaur as well as order dated 02.08.2024 passed by learned Session Judge, Merta declining bail to the petitioner are hereby set aside.

It is ordered that the juvenile accused-petitioner **Karan Meena S/o Shri Manglarm Meena**, shall be released on bail in FIR No.25/2024 registered at Police Station Gachhipura, District Didwana-Kuchaman upon furnishing a personal bond by his natural guardian, in the sum of Rs.2,00,000/- along with a surety

in the like amount to the satisfaction of learned Principal Magistrate, Juvenile Justice Board, Nagaur; with the stipulation that on all subsequent dates of hearing, he shall appear before the said court or any other court, during pendency of the investigation/trial in the case and that his guardian shall properly look after the delinquent child and secure him away from the company of known criminals.

(MANOJ KUMAR GARG),J

49-mSingh/-