

(2021) 02 GUJ CK 0015

In the Gujarat High Court

Case No : R/Criminal Revision Application No. 190 Of 2020

Ahadkhan S/O Anwarkhan Ajijkhan Pathan Thro Anvarkhan
Ajijkhan Pathan

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 04-02-2021

Acts Referred:

Juvenile Justice (Care And Protection Of Children) Act, 2015 — Section 12, 102
Indian Penal Code, 1860 — Section 294(b), 302, 323
Gujarat Police Act, 1951 — Section 135(1)

Citation : (2021) 02 GUJ CK 0015

Hon'ble Judges : S.H.Vora, J

Bench : Single Bench

Advocate : Aftabhusen Ansari, Pranav Trivedi

Final Decision : Allowed

Judgement

S.H.Vora, J

1. By way of the present Revision Application under section 102 of the Juvenile Justice Act, 2015, the applicant challenges the order dated 24.07.2019

passed by the learned Sessions Judge, Ahmedabad in Criminal Appeal No.481 of 2019 whereby, the learned Sessions Judge refused to grant bail

under Section 12 of the Juvenile Justice Act to the applicant in connection with the F.I.R. being C.R.No.I-199 of 2018 registered with Sarkej police

station for the offence punishable under Sections 302, 323, 294(b) of the Indian Penal Code and under section 135(1) of G.P.Act.

2. Heard learned advocate Mr. Ansari for the applicant â?" Juvenile. Learned APP has placed on record report obtained from Legal cum Probation

Officer, District Child Protection Unit, Ahmedabad dated 04.02.2021, which is ordered to be taken on record. Upon perusal of said report, it appears

that no apprehension is shown that if the applicant is released on bail, it is likely that he would come in association with any known criminal or expose

to any danger. Thus, considering the provision of section 12 of Juvenile Justice Act, present Revision Application deserves consideration.

3. In the result, the present Revision Application is allowed. The Impugned order dated 24.07.2019 passed by the learned Sessions Judge, Ahmedabad

in Criminal Appeal No.481 of 2019 is hereby quashed and set aside. The applicant is ordered to be released on bail in connection with F.I.R. being

C.R.No.I-199 of 2018 registered with Sarkej police station subject to the following conditions :-

[a] the applicant shall furnish personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety in the like amount from his father

to the satisfaction of the learned Children Court ;

[b] A Probation Officer shall be appointed for the applicant " juvenile, who shall maintain general oversight and supervision over the applicant,

including visiting the place from time to time as may deem necessary to ensure that the applicant does not fall into undesirable company and is not

exposed to any physical or psychological danger.

[c] the applicant shall furnish the present address of residence along with the proof to the I.O. concerned and also to the Children Court at the time of

execution of the bond and shall not change the residence without prior permission of Court concerned;

4. The competent authority will release the applicant only if he is not required in connection with any other offence for the time being. If breach of any

of the above conditions is committed, the Sessions Judge concerned will be free to take appropriate action in the matter. Bail bond to be executed

before the lower court having jurisdiction to try the case. It will be open to the concerned Court to delete, modify or relax any of the above conditions

in accordance with law. At the trial, the trial court shall not be influenced by the observations of preliminary nature, qua the evidence at this stage,

made by this Court while enlarging the applicant on bail. Direct service is permitted.