

(2005) 02 DEL CK 0084
In the Delhi High Court
Case No : Bail Appln 368 of 2005

Kishan Kumar @ Jailer

APPELLANT

Vs

The State (NCT of Delhi)

RESPONDENT

Date of Decision : 28-02-2005

Acts Referred:

Citation : (2005) 02 DEL CK 0084

Hon'ble Judges : Badar Durrez Ahmed, J

Bench : Single Bench

Advocate : D.K. Sharma, for the Appellant; Pawan Sharma, for the Respondent

Judgement

Badar Durrez Ahmed, J.—The learned counsel for the petitioner has straight away contended that the petitioner is a juvenile whose date of birth is 18.10.1986. The date of occurrence is 02.09.2002 which would make him 15 years 11 months old on that date. Accordingly, he submitted that by virtue of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000, the petitioner would be entitled to be released on bail. He further submitted that the exceptions provided in Section 12 to the effect that there exit 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 the ends of justice, are also not attracted. I fact, he drew my attention to the Social Investigation Report submitted to the Juvenile Justice Board, Kingsway Camp, Delhi by the Chief Probation Officer, Sewa Kuteer Camp, Kingsway Camp. The recommendation regarding treatment of the Juvenile reads as under:

Juvenile is 16 years old and he is first offender. His family members are much worried about the possible punishment. Neighbored gave the satisfactory report about the conduct and behaviors of the Juvenile. His father and uncle gave assurance that e will take care and vigil over of the Juvenile in future. In view of all personal traits of the Juvenile, the satisfactory report of the neighborhood, the strong ties of the family members with each other and his present occupation

agriculture at his active place village Basgaon, Distt. Gorakhpur (UP). Institution alisation at this stage does not yield fruitful results. He may be given chance.

2. The learned counsel for the State opposes the grant of bail by saying that the Juvenile is better off not being released as indicated by the order of the Juvenile Justice Board dated 17.01.2005. The learned counsel for the State further submitted that the bail application was also rejected by the learned Additional Sessions Judge on 01.02.2005 on the ground that the case was pending before the Juvenile Justice Board and one material witness still remains to be examined. However, the learned counsel for the State submitted that when the Juvenile Justice Board considered the grant of bail to the present petitioner, the only material before it was the said Social Investigation report.

3. Upon going through the report, it does not appear that there was any indication that if the Juvenile is released on bail, 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 the ends of justice. In this view of the matter, the exceptions carved out in Section 12 of the said Act are not attracted and that being the case, in terms of the said Section, the petitioner has to be released on bail. I accordingly, direct that the petitioner be released on bail on furnishing a personal bond in the sum of Rs.5000/- with one surety of the like amount to the satisfaction of the Juvenile Justice Board. It is however directed that the father as well as the uncle (Amar Singh) who have indicated in the Social Investigation Report that they are very much interested in the welfare of the petitioner and will look after him in every possible way, shall file affidavits to this effect.

The application stands disposed of.