
(2010) 09 AHC CK 0316
In the Allahabad High Court
Case No : Criminal Revision No. 3528 of 2010

Naurang (Minor) Through Natural Guardian Ratan Singh APPELLANT
Vs
State of U.P. RESPONDENT

Date of Decision : 06-09-2010

Acts Referred:

Juvenile Justice (Care and Protection of Children) Act, 2000 — Section 12

Citation : (2010) 09 AHC CK 0316

Hon'ble Judges : Shri Kant Tripathi, J

Final Decision : Allowed

Judgement

Shri Kant Tripathi, J.

Heard Mr. Raj Jee Saxena for the revisionist and the learned AGA and perused the record.

This is a revision against the order dated 17.08.2010 passed by the Additional Sessions Judge, Court No. 5, Meerut in Criminal Appeal No. 255 of 2010 as well as the order dated 13.07.2010 passed by the Juvenile Justice Board, Meerut in Case Crime No. 217 of 2010 whereby the courts below rejected the revisionist's prayer for bail under section 12 of the Juvenile Justice (Care & Protection of Children) Act 2000 (in short "the Act").

It appears that the revisionist is an accused in Case Crime No. 217 of 2010 under sections 306 and 376 IPC. He has already been declared juvenile and there is no dispute to this extent. He moved an application for bail under section 12 of the Act. The learned Juvenile Justice Board obtained the report dated 06.07.2010 of the District Probation Officer, who opined that the revisionist was involved in a serious nature of crime. The learned Juvenile Justice Board found that the ends of justice would be defeated if the revisionist was released on bail and the appellate court was also of the same view.

In view of the fact that the revisionist is a juvenile, his bail prayer is liable to be considered in accordance with Section 12 of the Act, which provides:

?Section 12:

Bail of juvenile.

1. When any person accused of a bailable or non bailable offence, and apparently a juvenile, is arrested or detained or appears or is brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety but he shall not be so released if there appear 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.

(2) When such person having been arrested is not released on bail under sub section (1) by the officer incharge of the police station, such officer shall cause him to be kept only in an observation home in the prescribed manner until he can be brought before a Board.

(3) When such person is not released on bail under sub section (1) by the Board it shall, instead of committing him to prison, make an order sending him to an observation home or a place of safety for such period during the pendency of the inquiry regarding him as may be specified in the order.?

A perusal of Section 12 of the Act reveals that a juvenile is entitled to bail notwithstanding the seriousness of the crime. His bail can be refused only when it is shown that there are reasonable grounds for believing that 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. There is no allegation against the revisionist that in the event of his release on bail he will come into the association with any known criminal or he will be exposed to moral, physical or psychological danger. It appears that the learned lower courts refused to bail out the revisionist on the ground that the ends of justice would be defeated by his release.

The learned counsel for the revisionist submitted that the revisionist has no criminal background. Therefore, the gravity of crime ought not to have made as the basis to arrive at the conclusion that the ends of justice would be defeated on his release on bail.

Keeping in view the facts and circumstances of the case, I am of the view that section 12 of the Act is fully attracted in this case, therefore, it would be just and expedient to enlarge the revisionist Naurang on bail.

The revision is allowed. The impugned orders order dated 17.08.2010 passed by the Appellate Court as well as the order dated 13.07.2010 passed by the Juvenile Justice Board, Meerut in Case Crime No. 217 of 2010 are hereby quashed.

Let the revisionist Naurang be released on bail in the aforesaid case on his furnishing a personal bond to be executed by his guardian and two sureties each

in the like amount to the satisfaction of the Juvenile Justice Board, Meerut.