
(2013) 05 JH CK 0006

In the Jharkhand High Court

Case No : Criminal Revision No. 453 of 2013

Tanwir Ansari @ Tanmir Ansari

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 22-05-2013

Acts Referred:

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

Citation : (2013) 4 JLJR 117

Hon'ble Judges : Dhruv Narayan Upadhyay, J

Bench : Single Bench

Advocate : K.P. Deo and Rajesh Kumar, for the Appellant;

Judgement

Dhruv Narayan Upadhyay, J.—Heard learned counsel for the parties. This criminal revision has been filed against the order dated 30th March, 2013, passed by learned Principal Sessions Judge, Lohardagga in connection with Criminal Appeal No. 28 of 2013 whereby learned Sessions Judge has refused to release the petitioner on bail on the ground that he has kidnapped a minor girl and also committed rape on her.

2. It is submitted that the spirit of Section 12 of J.J. Act has not been taken into consideration either by the learned J.J. Board or by learned Principal District & Sessions Judge while passing impugned orders. It is nowhere mentioned that there appear reasonable ground for believing that the release of the petitioner is likely to bring him into association of any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice. Furthermore, the petitioner does not have any criminal antecedent. No probation report was called for before passing the impugned order. The father of the delinquent is always ready to take care of the son and he is always ready to furnish surety for release of the petitioner on bail.

3. Learned counsel appearing for the State opposed the prayer for bail.

4. I do admit that the courts below have failed to consider the specific provisions

for bail enumerated u/s. 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000. It is nowhere indicated that the release of delinquent on bail would bring him in the association of any known criminal or expose him to moral, physical or psychological danger. Since the father is ready to take care of the delinquent boy, I feel inclined to consider the prayer for bail. Accordingly, the delinquent, namely, Tanwir Ansari @ Tanmir Ansari is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court of learned Juvenile Justice Board, Lohardagga in connection with Kairo P.S. Case No. 35 of 2012 corresponding to G.R. Case No. 480 of 2012 subject to the condition that one of the bailer must be father of the delinquent and he shall also furnish an undertaking that he would take care of the boy in future so that he may not indulge in such activity in future. With these observations, this criminal revision stands allowed and the impugned order dated 30th March, 2013 passed by learned Principal Sessions Judge, Lohardagga in connection with Criminal Appeal No. 28 of 2013 stands set aside.