
(2016) 07 RAJ CK 0103

RAJASTHAN HIGH COURT (JAIPUR BENCH)

Case No: Criminal Revision Petition No. 569 of 2016

Sachin Meghwal

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision: July 25, 2016

Acts Referred:

- Juvenile Justice (Care and Protection of Children) Act, 2000 - Section 12
- Penal Code, 1860 (IPC) - Section 379

Citation: (2016) 4 CriLR 1664

Hon'ble Judges: Mr. Prashant Kumar Agarwal, J.

Bench: Single Bench

Advocate: Mr. Kaleem Ahmed Khan, Advocate, for the Petitioner; Mr. Anil Yadav, P.P, for the State

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

Mr. Prashant Kumar Agarwal, J.—Heard the learned counsel for the parties.

2. By this revision petition, the petitioner, who is a "juvenile in conflict with law" has challenged the order dated 21.4.2016 passed by District & Sessions Judge, Kota dismissing the appeal filed by the petitioner against the order dated 12.4.2016 passed by the Juvenile Justice Board, Kota in FIR No.172/2016, Police Station Udyog Nagar, District Kota for the offence under Section 379 IPC.

3. The bail application filed by the petitioner under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (hereinafter referred to as "the Act") before the Juvenile Justice Board, Kota was rejected vide order dated 12.4.2016 mainly on the ground that if benefit of bail is granted to the petitioner, he may come in contact with known and unknown criminal persons and it would defeat the ends of justice and it may

involve in similar criminal activities as more than one case is registered against him.

4. Being aggrieved by the said order dated 12.4.2016, an appeal under Section 52 of the Act was filed by the petitioner before the Appellate Authority and the same has been dismissed by the Appellate Authority vide order dated 21.4.2016 by recording almost similar grounds.

5. Dissatisfied by the impugned orders dated 12.4.2016 and 21.4.2016 passed by learned Courts below, the petitioner has preferred this revision petition before this Court.

6. Learned counsel for the petitioner has submitted that the gravity and seriousness of the offence committed cannot be a ground to decline the bail to a juvenile. He also contended that the learned Courts below without taking into consideration the mandatory provisions of the Act in a cursory manner declined bail to the petitioner. He further contended that there is no material on record on which the Principal Magistrate and the Sessions Judge have concluded the findings.

7. On the other hand, the learned Public Prosecutor defended the orders of the learned Courts below.

8. I have carefully considered the submissions made before me, perused the provisions of the Act and the case law cited before me.

9. It is well settled that ordinarily a "juvenile in conflict with law" must be released on bail unless the exceptional circumstances mentioned in Section 12 of the Act itself are clearly made out by evidence and the Juvenile Justice Board on perusing the material available on the record comes to a definite conclusion that in the circumstances of the case, it would not be in the interest of the juvenile to release him on bail. It is also well settled that at the time of consideration of bail the gravity and nature of the offence cannot be looked into. Vide order dated 15.7.2016, this Court directed the learned Public Prosecutor to call the report of the Probation Officer and the same has been sent to this Court on 21.7.2016. After perusing the same, it reveals that the character and behaviour of the petitioner was found good.

10. After carefully examining the provisions of the Act, I find that in both the impugned orders no exceptional circumstances as indicated in Section 12 of the Act to decline the bail to the juvenile, are made out. The learned Magistrate as well as the learned Appellate Authority have not properly appreciated the mandatory provisions of the Section 12 of the Act and other provisions, in relation to the juvenile and merely on the basis of unfounded apprehension, the bail has been declined. In my opinion, the Act being a beneficial and social oriented legislation, needs to be given full effect by all concerned, whenever the matter relating to juvenile comes to consideration before them. In the absence of any material or evidence of reasonable grounds, it cannot be said that his release would defeat the ends of justice.

11. The net result of the above discussions is that the revision petition is allowed, the order dated 12.4.2016 passed by the learned Principal Magistrate, Juvenile Justice Board, Kota as well as the order dated 21.4.2016 passed by learned Appellate Court i.e. District & Sessions Judge, Kota declining bail to the petitioner are, hereby, set aside and it is directed that the petitioner-Sachin Meghwal S/o Shri Brij Mohan shall be released on bail on furnishing a personal bond by his natural guardian (Mother-Smt. Mor Bai) in the sum of Rs.20,000/- and a surety in the like amount to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Kota with the stipulation that on all subsequent dates of hearing he shall produce the petitioner before the said Board or any other Court during the pendency of the enquiry in the case and that his guardian shall keep proper look after of the petitioner and keep him away from the company of known or unknown criminals.