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(2003) CriLJ 2284 : (2003) 2 RCR(Criminal) 559

Allahabad High Court

Case No: Criminal Appeal No. 1481 of 2002

Sanjay Kumar — APPELLANT

Vs

State of U.P. — RESPONDENT

Date of Decision: Jan. 7, 2003

Acts Referred:
Juvenile Justice (Care and Protection of Children) Act, 2000 â€" Section 12

Citation: (2003) CriLJ 2284 : (2003) 2 RCR(Criminal) 559

Hon'ble Judges: K.N. Sinha, J

Bench: Single Bench

Advocate: Nigamendra Shukla, for the Appellant; A.G.A., for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

K.N. Sinha, J.
Heard learned Counsel for the revisionist, learned A.G.A. and perused the impugned order.

2. Accused Sanjay Kumar was challaned by Raniya Police Station for the offence under Sections 392 and 411, I.P.C. The revisionist moved an

application before the Additional C.J.M. (Juvenile Judge) for declaring him to be a juvenile., The said application was rejected on 20th of July,

2002. The revisionist filed an appeal before the learned Sessions Judge against the order of the Additional C.J.M. The learned Sessions Judge

partly allowed the appeal declaring the revisionist to be a juvenile but refused to grant bail to him. Against the said order the present revision has

been filed.

3. I have perused the impugned judgment. The provision contained in Section 12 of the Act No. 56 of 2000, lays down that if a juvenile accused is

arrested or detained or appears or is brought before a Board, such person shall be released on bail but he shall not be so released if there appears

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. Thus every juvenile, for whatsoever offence he is charged with, shall be

released on bail except under the above circumstances. The learned Sessions Judge has given first ground that accused may repeat the offence, but

it is no ground for refusing the bail. The learned Sessions Judge has further observed that on release there can be danger to his life. No such

evidence was before him to infer that release of accused would put his life in danger.

4. Of course the bail application of the juvenile can be refused, if the above grounds or any one of the grounds exists. The existence of such ground

should not mean the guess-work of the Court but it should be substantiated by some evidence on the record. Considering this, I find that the

revisionist, being juvenile, is entitled to bail.

5. The revision is allowed. The order dated 28-8-202, so far as it relates to the refusal of bail, is set aside and the revisionist Sanjay Kumar may

be admitted to bail in case Crime No. 139 of 2002, under Sections 392 and 411, I.P.C., Police Station, Arniya, District Bulandshahr on the terms

and conditions and amount of sureties as deemed fit by the concerned Court.