

(2013) 07 UK CK 0030

**Uttarakhand High Court**

**Case No:** Criminal Revision No. 188 of 2013

Ankit (Minor)

APPELLANT

Vs

State of Uttarakhand and  
Another

RESPONDENT

**Date of Decision:** July 24, 2013

**Citation:** (2013) CriLJ 4989 : (2014) 1 NCC 767

**Hon'ble Judges:** Alok Singh, J

**Bench:** Single Bench

**Advocate:** Parikshit Saini, for the Appellant; Raman Kumar Sah, A.G.A., for the Respondent

**Judgement**

@JUDGMENTTAG-ORDER

Alok Singh, J.

In view of the filing of certified copy in the earlier Criminal Revision No. 183 of 2013 which was permitted to be withdrawn with liberty to file afresh, exemption from filing certificate copy in the present revision is granted. Present revision is filed assailing the judgment and order dated 06.03.2013 passed by Juvenile Justice Board, Haridwar whereby application moved by the juvenile u/s 12 of the Juvenile Justice (Care and Protection) Act, 2000 (hereinafter referred to as "J.J. Act") was rejected and the order dated 29.04.2013 passed by the learned Sessions Judge, Haridwar whereby appeal filed by the juvenile was dismissed.

2. Revisionist is an accused in F.I.R. Case Crime No. 20 of 2013, under Sections 376(G) and 506, I.P.C., Police Station Kotwali Pathri, District Haridwar. Revisionist was declared juvenile. Application seeking bail u/s 12 of the J.J. Act was rejected by the Juvenile Justice Board vide order dated 06.03.2013 and appeal filed by the Juvenile was also dismissed vide judgment dated 29.04.2013, passed by the Sessions Judge, Haridwar.

3. This Court in the case of Akash Singh (Minor) v. State of Uttarakhand and another, Criminal Revision No. 106 of 2013, decided on 17.07.2013 has held as under:--

Having perused Section 12 of the Act, I have no hesitation to hold that the moment of juvenile is arrested or detained or brought before the Board, ordinarily such juvenile should be released on bail with or without sureties.

However, second part of the Section 12 of the Act provides that when juvenile justice board or court for the reasons recorded find that there are reasonable grounds believing that release is likely to bring him into association with any known criminal or shall expose him to moral, physical or psychological danger or that his release would defeat the ends of justice, may refuse the Bail.

In my considered opinion, bail can be denied to the juvenile only when there is a material on record suggesting that juvenile may join the company of any known-criminal; on release likely to exposes him to moral, physical or psychological danger. There must be some material before the Court to form such opinion and bail should not be denied to juvenile merely on the basis of some assumption or presumption.

If for the reasons so recorded, Judge, Juvenile Justice Board, finds that juvenile should be placed under the supervision of a Probation Officer or under the care of fit institution or fit person, he can so direct. If bail is denied juvenile shall be kept in the observation home.

4. I have perused the impugned orders passed by the Juvenile Justice Board as well as learned Sessions Judge. Perusal of the impugned judgments would reveal that both the courts below have not discussed any material to suggest that juvenile may join the company of any known criminal or his release shall expose him to moral, physical or psychological danger.

5. Mr. Raman Kumar Sah, learned A.G.A. could not point out any material to suggest that juvenile may, join the company of any known criminal or his release shall expose him to moral, physical or psychological danger.

6. Present revision is filed through his natural father and guardian Deshraj. In the opinion of this Court, Deshraj, father of the juvenile, seems to be a fit person under whose custody, juvenile may be placed.

7. Therefore, revision is allowed. Impugned orders are set aside.

8. Let juvenile be enlarged on bail on furnishing personal bond by his natural father Deshraj of Rs. 50,000/- to the satisfaction of Principle Judge, Juvenile Justice Board, Haridwar. Mr. Deshraj shall also file his affidavit along with personal bond to the effect that during the inquiry, juvenile shall not be exposed to any known criminal or to moral, physical or psychological danger.