

Arjun Vs. the State

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Court : Delhi

Decided On : Apr-07-1983

Reported in : 24(1983)DLT65

Judge : G.C. Jain, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 439

Appeal No. : Cr. Misc. (M) Appeal No. 262 of 1983

Appellant : Arjun

Respondent : The State

Advocate for Pet/Ap. : K.K. Sud and; D.B. Sethi, Advs

Judgement :

G.C. Jain, J.

(1) The petitioner Arjun son of Shri Sohan Lal, has filed this petition under Section 439 Cr. P.O. for admitting him to bail for an offence under Section 302 IPG. registered under F.I.R. No. 403 dated December 13, 1982 Police Station, Kalyanpuri, Delhi. The bail is sought mainly on the ground that the petitioner was a child, as defined under the Children Act, 1960. Mr. D.R. Sethi concedes that the petitioner had not attained the age of 16 years, at the -time of the committing of the alleged offence and he was in the Children Home. Thus there is no dispute for

purposes of this bail application, at least that the petitioner was a child. Under Section 18 of the Children Act, 1960 when any person accused of a bailable or non-bailable offence and apparently a child if arrested or detained or appears or is brought before a Children's Court, such person shall notwithstanding anything contained in the Code of Criminal Procedure, 1898, 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 reputed criminal or expose him to moral danger or that his release would defeat the ends of justice. As observed above, the petitioner is apparently a child. He was, therefore, entitled to be released on bail unless his case falls under the exceptions mentioned in Section 18(1). There is nothing to suggest that his release is likely to bring him into an association with any reputed criminal or expose him to moral danger or the bail would defeat the ends of justice. He is not a previous convict. In all these circumstances I accept the application and direct that the petitioner be released on bail on his submitting a bail bond in the sum of Rs. 3000.00 with one surety in the like amount to the satisfaction of the A.C.M. Shahdara. dusty.

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