

Master Niku Chaubey Vs. State

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Court : Delhi

Decided On : Apr-25-2006

Reported in : 129(2006)DLT577; 2006(88)DRJ830

Judge : Badar Durrez Ahmed, J.

Acts : Juvenile Justice (Care and Protection of Children) Act, 2000 - Sections 12;
[Code of Criminal Procedure \(CrPC\) , 1973](#)

Appeal No. : Crl. Rev. (P) No. 198/2006

Appellant : Master Niku Chaubey

Respondent : State

Advocate for Def. : Richa Kapur, Adv.

Advocate for Pet/Ap. : I.C. Tiwari, Adv

Judgement :

Badar Durrez Ahmed, J.

1. This revision petition is directed against the order dated 03.03.2006 passed by the Additional Sessions Judge, Fast Track Court, Rohini, Delhi. By virtue of the said order, bail had been refused to the juvenile, Master Niku Chaubey on the ground that the release of the juvenile on bail is likely to bring him into association

of bad company and expose him to moral and psychological danger.

2. It is well-settled that in the case of a juvenile, in terms of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (hereinafter referred to as 'the said Act'), it is mandatory for the court to grant bail to such juvenile notwithstanding anything contained in the Code of Criminal Procedure, 1973 or any other law for the time being in force. However, he shall not be so released if there appears to be a reasonable ground for believing that the release is likely to bring him in the association of any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice.

3. An examination of the Social Investigation Report shows that the juvenile in question belongs to a religious family. It also discloses that the juvenile's family appears to be genuine towards maintaining discipline at home and that the juvenile was also properly responding to such discipline. The juvenile's father (Shri Ravish Chaubey), who is a Pujari in the Shri Ram Mandir, Ashok Vihar, New Delhi is present. It is obvious that he is interested in maintaining high moral and religious discipline in his family and he has given all assurance to this Court that he will look after his son in case his son is released on bail so that his son does not fall in the company of any bad elements.

4. The learned Counsel for the State, however, opposed the grant of bail on the ground that the alleged act said to have been committed by the juvenile Along with the co-accused was one of great moral degradation and the act in itself would demonstrate the perversity of the mind of the juvenile. This submission of the learned Counsel has to be read in the context of the recommendations made by the Probation Officer which indicated that the juvenile seemed to be immature and ignorant by nature and personality. It is also stated in the Social Investigation Report under the heading "Any Other Remarks" that the juvenile strongly denied having committed any offence and added that the police misbehaved and harassed him. In any event, as rightly observed in the impugned order, the nature of the offence is not one of the conditions on which bail can be granted or refused to the juvenile. Bail in respect of a juvenile has to be considered purely under the

parameters of Section 12 of the said Act which requires bail to be granted mandatorily unless the court feels that the release of the juvenile is likely to bring him in the association of any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice.

5. Looking at the totality of circumstances, I feel that the present case does not fall under one of the exceptions carved out under Section 12, of the said Act, particularly because the father of the juvenile has clearly and categorically stated that he shall ensure that his son is taught proper moral and religious virtues so that he becomes a responsible member of the society. He has also indicated that he shall ensure that his son, if released on bail, will not come in contact with any bad element in society.

6. Keeping in view these facts and circumstances, I direct that the juvenile be released on bail upon his father furnishing a personal bond in the sum of Rs. 10,000/- with one surety of the like amount to the satisfaction of the Juvenile Justice Board. This order shall come into effect upon the juvenile's father, i.e., Shri Ravish Chaubey, giving an affidavit to the effect that he shall ensure that his son does not come into contact with any criminal or bad elements in society and that he shall take full care that his son is properly educated and is taken care of morally as well as psychologically. This application stands disposed of. dusty.