

Satish and ors. Vs. State of Rajasthan

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Court : Rajasthan

Decided On : Jul-10-2003

Reported in : 2003WLC(Raj)UC652; 2003(3)WLN614

Judge : A.C. Goyal, J.

Appeal No. : S.B. Criminal Revision Petition No. 695 of 2003

Appellant : Satish and ors.

Respondent : State of Rajasthan

Disposition : Petition allowed

Judgement :

A.C. Goyal, J.

1. This revision by both the accused persons is filed under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (for short the 'Act of 2000'), against the order dated 9.6.2003, whereby learned Sessions Judge, Bharatpur, affirmed the order dated 29.5.2003, by which the Juvenile Justice Board, Bharatpur dismissed the bail application submitted under Section 12 of the Act, 2000.

2. Both the accused persons below 18 years of age are facing trial for offences under Section 302 read with Section 34 IPC and under Section 3 of the SC/ST

(Prevention of Atrocities) Act. According to the prosecution case at about 10 a.m. on 7.3.2003 both the accused persons inflicted injuries to Dinesh resulting into his death. Both the Courts below dismissed the bail application on the ground that their release on the bail would defeat the ends of justice.

3. Learned counsel submitted that there was no ground to make this observation and otherwise both the accused were entitled to bail under Section 12 of the Act 2000. Learned P.P. supported the impugned order on the ground that the offences are serious one.

4. I have considered the said submissions. Section 12(1) of the Act 2000 provides that when any juvenile, is arrested or detained or appears or is brought before a Board, such person, shall notwithstanding anything contained in the Code of Criminal Procedure, 1973, or in any other law for the time being in force, be released on bail with or without surety. Three exceptions are provided in Section 12 and the third exception is that the juvenile would not be released on bail if his release would defeat the ends of justice. No doubt it was observed by both the Courts below but no ground has been assigned as to how their release would defeat the ends of justice.

5. Consequently, this revision alongwith stay application is allowed. Both the impugned orders are quashed and set-aside and accused petitioners are directed to be released on bail provided each one of them furnishes personal bond in the sum of Rs. 20,000/- with one surety each in the like amount to the satisfaction of Juvenile Justice Board, Bharatpur.