

Ranjit Singh Vs. State of H.P.

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Court : Himachal Pradesh

Decided On : Oct-01-2004

Reported in : 2005CriLJ972

Judge : K.C. Sood, J.

Acts : Juvenile Justice (Care and Protection of Children) Act, 2000 - Section 12;
;Indian Penal Code (IPC) - Sections 376 and 511; ;Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989 - Section 3

Appeal No. : Cr.M.P. (M) No. 923 of 2004

Appellant : Ranjit Singh

Respondent : State of H.P.

Advocate for Def. : Ashok Chaudhary, A.A.G.

Advocate for Pet/Ap. : G.D. Sharma, Adv.

Judgement :

ORDER

K.C. Sood, J.

1. The petitioner is a juvenile, within the meaning of The Juvenile Justice (Care and Protection of Children) Act, 2000, was arrested on 11th September, 2004, in a

case registered with Police Station Arki for an offence punishable under Section 376 read with Section 511 of the Indian Penal Code and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, in terms of FIR No. 116/ 2004, dated 8th September, 2004.

2. According to the prosecution case :

Victim an eleven years old girl had gone to fields to cut grass alongwith her cousin about 14 years of age. When they were cutting grass, petitioner came and asked the help of Kamlesh Kumar to assist him in lifting a bundle of grass. Thereafter, the accused invited the victim to cut grass from his Ghasani. She accompanied him to the Ghasani. Petitioner removed the salwar worn by the victim and also his pant and laid upon her. She raised alarm. The petitioner then put on his pant and ran away. In the meanwhile, mother of the victim came. The victim disclosed the incident to the mother. The matter was reported to the police next day. The doctor who examined the victim did not find any injury on the person of the victim. No sign of any penetration on the private parts of the victim were found.

3. The petitioner applied for bail before the Juvenile Justice Board at Shimla. However, the Principal Magistrate declined the bail on the grounds that release of the accused juvenile on bail would defeat the ends of justice and also put him in physical and psychological danger and that there would be a lot of resentment amongst the people in the area which will have adverse psychological impact.

4. Section 12 of the Act stipulates that a juvenile is entitled to release on bail provided the release does not expose him to moral, physical or psychological danger or his release may not defeat the ends of justice.

5. In reply, filed by the prosecution, or in the police file, there is nothing to show that juvenile, if released on bail, would be exposed to criminal or moral or physical or psychological danger nor it can be said that his release will defeat the ends of justice.

6. Learned Principal Magistrate, Juvenile Justice Board, erred in saying that release of juvenile would put him to moral, physical and psychological danger

without there being any material on the record.

7. Looking to the facts in its entirety, I allow the petition and direct that the petitioner be released forthwith on furnishing bonds in the amount of Rs. 5,000/- with one surety of the like amount to the satisfaction of the learned Principal Magistrate, Juvenile Justice Board, Shimla. The bail shall be subject to the condition that neither the petitioner nor his parents would influence the witnesses or otherwise interest with them.

8. The application is disposed of.

9. Dasti copy on usual terms.

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