

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**  
**CRIMINAL REVISION APPLICATION (AGAINST ORDER PASSED BY**  
**SUBORDINATE COURT) NO. 646 of 2014**

**FOR APPROVAL AND SIGNATURE:**

**HONOURABLE MR.JUSTICE G.R.UDHWANI**

- =====
- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
  - 2 To be referred to the Reporter or not ?
  - 3 Whether their Lordships wish to see the fair copy of the judgment ?
  - 4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?
  - 5 Whether it is to be circulated to the civil judge ?
- =====

PANKAJBHAI GHANSHYAMBHAI PATEL....Applicant

Versus

STATE OF GUJARAT....Respondents

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Appearance:

MR ASHISH M DAGLI, ADVOCATE for the Applicant(s) No. 1

MR N J SHAH ADDL PUBLIC PROSECUTOR for the Respondent.

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**CORAM: HONOURABLE MR.JUSTICE G.R.UDHWANI**

**Date : 21/10/2014**

**ORAL JUDGMENT**

**RULE.** Learned APP waives service.

Concedely, the petitioner is a juvenile in conflict with law and as per the provisions of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000, bail is the rule and exception to bail can be made only if the interest of the juvenile so requires. The trial Court appears to have totally misconstrued the provisions of the Act and appears to have heard the case as if the provisions of IPC and Cr.PC relating to the gravity of offence were relevant. It is required to be noted that maximum punishment which can be awarded to the juvenile is three years in special home which period even can be reduced as per proviso to Section 15 of the Act.

In the result, the application deserves to be allowed and the same is allowed. The impugned judgment and order passed by the Court below is quashed and set aside. The juvenile is ordered to be released on bail on his executing a bail bond and surety in the sum of Rs.10,000/- (Rupees Five Thousand Only) each before the Court below on usual terms and conditions. It shall be the responsibility of the parents and uncle of the juvenile to ensure that the juvenile does not indulge into the same activity.

Rule is made absolute to the aforesaid extent. **Direct Service** is permitted.

(G.R.UDHWANI, J.)

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