

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1014 of 2015

Shivnath S/o Nanhiram Aged About 19 Years R/o Village Ganjimuda Rairuma Khurd,
Thana - Dharamjaigarh, Civil And Rev. Distt. Raigarh, Distt. Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Dharamjaigarh, Distt. Raigarh
Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Sharmila Singhai, Advocate
For Respondent/State	:	Shri Neeraj Sharma, Dy. Govt. Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/10/2015

Heard.

1. This is the second application for grant of anticipatory bail.
2. Learned counsel for the applicant submits that earlier, the fact that the applicant is claiming to be juvenile being 17 years of age could not be brought to the notice of the Court and now certificate & mark-sheet issued by the Chairman & District Education Officer, District- Raigarh has been placed on record which shows that on the date of alleged commission of offence, the applicant was juvenile.
3. Taking into consideration the aforesaid submission, though this Court is not inclined to grant anticipatory bail to the applicant, at the same time, considering that the applicant claims to be a juvenile, being less than 18 years of age, the applicant cannot be arrested, but he can only be apprehended and then he is required to be produced before the Juvenile Justice Board.

Therefore, in the present case, if the applicant surrenders before the police

authority, the police authority shall act in accordance with Section 10 of the Juvenile Justice Act, 2000 (for short “the Act of 2000”) and on applicant surrendering before the police authority along with certificate of date of birth, the police authority shall immediately hand over the custody of the applicant to the competent police authority/Special Juvenile Police Unit (SJPU), who shall in turn hand over the custody of the applicant to the Juvenile Justice Board where the applicant can move application under Section 12 of the Act of 2000.

4. The bail application is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge