

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 12659/2023

(Arising out of impugned judgment and order dated 04-09-2023 in SBCRMBA No. 9944/2023 passed by the High Court of Judicature for Rajasthan at Jaipur)

YUVRAJ

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN

Respondent(s)

(FOR ADMISSION and IA No.202879/2023-EXEMPTION FROM FILING O.T.)

Date : 09-10-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Mr. Abhimanyu Tewari, AOR
Ms. Eliza Bar, Adv.
Mr. Tushar Bathija, Adv.
Mr. Siddhant Saroha, Adv.
Mr. Sidhant Awasthy, Adv.
Mr. Praveer Singh, Adv.
Mr. Parth Jain, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Heard Mr. Abhimanyu Tewari, learned counsel appearing for the petitioner.

The counsel submits that the petitioner is a juvenile in conflict with law and although an application for pre-arrest bail was moved on his behalf, the High Court refused to entertain the said application on merit, under the impugned order dated 04.09.2023.

The counsel would then submit that although the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short, the "JJ Act") is a comprehensive legislation with non-obstante clause under sub-section (4) of Section 1, in a situation where a child in conflict with law apprehends action under Section 10 of the JJ Act, he should be permitted to seek pre-arrest bail under the regular provisions of the Cr.P.C., rather than being relegated to the Juvenile Justice Board.

It is further submitted that maintainability of pre-arrest bail application was considered by various High Courts in the country and five High Courts have held that the provisions of Section 438 Cr.P.C. are maintainable for a juvenile in conflict with law but four other High Courts have taken a different view. The counsel prays for a week's time to bring on record the concerned conflicting judgments of the different High Courts.

It is also brought to our notice that Section 17 of the JJ Act provides that Chapter VIII of the Cr.P.C. proceedings are not competent against a juvenile in conflict with law.

Issue notice, returnable in four weeks.

The petitioner is permitted to serve Dasti notice additionally, on the Standing Counsel for the State of Rajasthan.

(NITIN TALREJA)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR