

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 763 of 2019**

- Gins Kumar @ Nanna Tondon S/o late Kartik Ram Tandon aged about 17 years, (though its natural guardian Smt. Papita Bai Tandon W/o late Kartik Ram Tandon 37 years) R/o Village-Ramtala Road Sendari, Police Station – Koni, District – Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh through Police Station Koni- District Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Ravi Maheshwari, Adv.
For Respondent/State : Mr. I. Lakra, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

01/08/2019

1. The present revision has been preferred under Section 102 of Juvenile Justice (Care and Protection of Children) Act, 2015 (in short 'the Act 2015') against the order dated 06.06.2019 passed in Criminal Appeal No. 142/2019 by the Additional Sessions Judge (FTC), Bilaspur (C.G.), whereby the learned Sessions Judge has rejected the appeal arising out of order dated 23.05.2019 passed in Criminal Case No. 137/2019 dismissing the bail application of the present applicant by the Juvenile Justice Board, Bilaspur
2. This is the revision petition filed by the accused, who is juvenile. The prosecution story in brief is that Complainant

Soni Baghel lodged an FIR against present applicant alleging that on 22.04.2019 at about 05:30 PM when she was near the water pump, situated in front of her house, for bringing the water, her child, prosecutrix was playing near there under the '*Pipal*' tree, at the same time applicant/accused came there, gave '*samosa*' to the prosecutrix and take her with him inside his house. After some time complainant began to search her daughter and reached the incident place where the applicant/accused was doing obscene act with the prosecutrix. On the basis of aforesaid allegations, police arrested the applicant and sent to the Juvenile Home. On the date of occurrence the present applicant was juvenile. He was sent to juvenile home on 24.04.2019. He filed an application under Section 12 of the Juvenile Justice Act for granting bail which was dismissed. Against the said dismissal, an appeal was preferred which was also dismissed. Hence, this revision.

3. Learned counsel for the applicant submits that in the present case, the Juvenile Justice Board as well as the Appellate Court have completely ignored to consider the statutory scheme of Section 12 of the Act of 2015 which itself is *pari materia* of Section 12 of the Act of 2000 while considering the application for grant of bail under Section 12

of the Act of 2015. He further submits that the applicant has been falsely implicated in the present case. He has no criminal background. Orders passed by both the Courts below are improper and contrary to the law. Counsel for the applicant further submits that the complainant demanded huge amount to the applicant and threatened to intimate in serious offence, but applicant deny to pay single amount, on that complainant lodged a false FIR. In view of provision contained in Section 12 of the Juvenile Justice Act, the applicant deserves to be released on bail. The applicant is in Jail since 24.04.2019 and he has completed one and a half month in custody, therefore, he may be extended benefit of bail.

4. Counsel for the State submits that the order passed by the two Courts below being fully justified and in accordance with the provisions of Section 12 of the Act does not warrant any interference and the instant revision deserves to be set aside.
5. I have heard learned counsel both the parties and perused the material available on record. On perusal of the record I do not find any reasonable ground having been brought before the Juvenile Justice Board or the Police Authorities in respect of the so called threat of the juvenile getting exposed to moral, physical or psychological danger or come

in the company of known criminal.

6. In view of above consideration, the impugned order dated 06.06.2019 could not be sustained and is therefore, set aside. The application under Section 12 of the Act of 2015 is allowed. The applicant shall be released on bail forthwith on furnishing a personal bond in the sum of Rs. 25,000/-, by the parents or guardians of the applicant, as the case may be, to the satisfaction of the Juvenile Justice Board for his appearance before the Board, as and when directed.
7. The revision is accordingly allowed.

Sd/-
(Rajani Dubey)
Judge