

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1329 of 2019

- Tej Verma S/o Shri Manharan Verma, Aged About 16 Years, Through Natural Guardian Shri Manharan Verma, R/o Village Katalbod Police Station Bemetara, District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Police Station Tilda-Nevra, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

--- Respondent

For Applicant– Shri Keshav Prasad Gupta, Advocate.

For State/respondent – Shri Sudeep Verma, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

11-12-2019

1. This revision has been brought challenging the legality, propriety and correctness of the order dated 09-09-2019 passed in Criminal Appeal No.442/2019 by the Court of 7th Additional Sessions Judge Raipur, District Raipur, C.G. by dismissing the appeal filed by the applicant and upholding the order of the Juvenile Justice Board dismissing the application for grant of bail.

2. It is submitted that the applicant is juvenile in conflict with law. The Juvenile Justice Board and the appellate Court both have not considered the social status report and have not taken into consideration the provisions under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in its true spirit. Therefore, it is prayed the revision be allowed and the applicant be granted bail.

3. Learned counsel for the State/respondent opposes the petition submitting that the applicant is being prosecuted for commission of heinous offence, therefore, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the documents.

5. The applicant is being prosecuted for offence under Section 363, 366 and 376 of the IPC and Section 4 and 6 of POCSO Act.

6. The age of victim in this case is about 14 years, whereas, the applicant himself was 16 years of age on the date of incident. In the matter of grant of bail to a juvenile gravity of the offence is never a consideration, the thing that has to be looked into is whether there is likelihood of the juvenile/applicant being associated with criminal elements or such juvenile will be exposed to moral, physical or psychological danger or it may result in defeat of the ends of justice. On perusal of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, it is clear that grant of bail is a rule, whereas, rejection is an exception. Whereas, the social Status report, which has been taken into consideration by the appellate Court and the Juvenile Justice Board, shows nothing adverse against the applicant. As there is no chance of his being associated with criminal elements and he is a member of a household where his parents and other member of family reside, therefore, chance of his being exposed to moral, physical and psychological danger does not appear to be exist. Therefore, it is a fit case where the Board and the appellate Court should have exercised the jurisdiction granted under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, hence, the impugned order and the order passed by the Juvenile Justice Board are erroneous which are liable to be set aside.

7. Therefore, the revision petition is allowed and the impugned order of the appellate Court and the order of the Juvenile Justice Board are set aside and the application for grant of bail to the applicant is allowed. It is directed that on furnishing of a personal bond in the sum of Rs.25,000/- by his parent or guardian with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed, then he shall be given in custody of his parent or guardian.

Sd/-
(Rajendra Chandra Singh Samant)
Judge