

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No. 1294 of 2019

- Chhatrapal Kumar @ Ankit Rajak S/o Dilip Rajak Aged About 15 Years Juvenile- Occupation Agricultrist- (Assisting Father), R/o Village Khamtarai, Police Station House Sarkanda, Bilaspur District Bilaspur Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Sarkanda District Bilaspur Chhattisgarh

---- Respondent

For Petitioner	:	Mr. Ashok Verma along with Mr. Gajendra Sahu, Advocate.
For State/respondent	:	Mr. C.B. Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-10-2019

Heard.

1. This petition has been brought challenging the order dated 18.09.2019 in Criminal Appeal No.200/2019 passed by the Court of Additional Sessions Judge, F.T.C., Bilaspur. Petitioner is a juvenile and he has been arrested in Crime No.637/2019 for commission of offence under Section 394 of I.P.C. on 20.07.2019. The application for grant of bail under Section 12 of Juvenile Justice Act was rejected by the Juvenile Justice Board on 28.08.2019 and the appeal was preferred against that order before the Court of Additional Sessions Judge, F.T.C., Bilaspur in which the order of Board has been upheld.
2. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Even if the case is taken as it is pending, then the petitioner is first offender. There is no mention of

grounds which are required to be mentioned, according to the provision under Section 12 of the Juvenile Justice Act are not mentioned in the impugned order and the order of the Board. Therefore, petitioner is entitled for grant of bail.

3. The learned counsel for the State opposes of the petition and submits that the petitioner is the juvenile but he is in association with criminal elements and one of the co-accused is absconding in this case. Therefore, his release on bail shall not be in his benefit. Hence, the petition be dismissed.
4. Heard learned counsel for both the parties and also perused the documents present.
5. It is alleged that this applicant along with the other three juvenile offenders, in conflict with law, looted the complainant of his possession one mobile phone, one laptop, A.T.M. card, PAN card, license, passbook etc. regarding which F.I.R. has been lodged. Section 12 of Juvenile Justice Act is a provision in which the grant of bail is a rule and refusal is an exception. Therefore, the Board and the appellate court should have examined accordingly, that whether the release of petitioner would have been against his interest, or he will associate with the other criminal elements so as to affect his unripened mind and other factors which may affect the development of his personality and mentality. No such observation has been made in the impugned order as well as by the Juvenile Court. As it appears that the petitioner is a first offender because there is no criminal history against him and also the social status report regarding which there is mention in paragraph 8 of the impugned order, that this is the first offence committed by the petitioner. The neighbors of the petitioner have a positive approach and according to the relatives of the petitioner, they want to continue his studies further,

it was also not found that the petitioner, a juvenile shall be taken care of by his family and the family members of the petitioner want to take him in their custody. Therefore, for the reasons, I feel inclined to allow this revision petition. Hence, the petition is allowed and disposed off with this direction to the Juvenile Board that on furnishing bail bonds of Rs.25,000/- by the parent or guardians of the petitioner, he may be handed over in custody of his parents or guardian, on condition that the petitioner shall be taken care of, he should be made to devote to the studies and that he should not be allowed to associate with any criminal elements.

6. Accordingly, the petition stands disposed off.

Certified Copy today.

Sd/-
(Rajendra Chandra Singh Samant)
Judge