

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1407 of 2019

Vijay Sathaliya S/o Beljee Bhai Sathaliya Aged About 16 Years R/o Near Satakshi Temple, Behind Ashram, Police Station Azad Chowk, Raipur District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Azad Chowk, Raipur District Raipur Chhattisgarh.

---- Respondent

For the Applicant	: Mr. Rahim Ubwani, Advocate
For Respondent/State	: Mr. Roshan Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-12-2019

Heard.

1. This revision has been brought being aggrieved by the order dated 11.10.2019 passed by the Learned Seventh Additional Sessions Judge, Raipur, District Raipur, Chhattisgarh in Criminal Appeal No.479 of 2019 dismissing the same and upholding the order of the Juvenile Justice Board rejecting the application for grant of bail to the applicant.
2. It is submitted by learned counsel for the applicant that the applicant is being prosecuted for the commission of offences under Sections 363, 366 and 376 of the Indian Penal Code and the offence under Sections 4 and 6 of the POCSO Act. The fact that the prosecutrix was a minor has not been established in the investigation made and further, learned Juvenile Justice Board and the Appellate Court both have given emphasis on the gravity of offence without considering the prayer of the applicant in true spirit as it is provided under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Therefore, the

orders of both the Courts below are bad in law. Hence, it is prayed that the revision be allowed.

3. Learned Counsel appearing for the respondent/ State opposes the submissions so made and submits that, the applicant has committed a heinous offence. Therefore, the revision petition be dismissed.
4. Heard both counsel for the parties and perused the material available on record.
5. According to the provisions under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 the bail is a rule whereas the rejection of prayer for bail is an exception. On perusing the social status report it is found that the report given is positive in all aspects and there is no apprehension that the applicant shall associate with criminal elements in future or there is any possibility regarding expose him to moral, physical or psychological danger or that his release would defeat the ends of justice. Therefore, this is an appropriate case in which the applicant should have been granted bail. Hence, I find that the orders of the Court below are erroneous which are needed to be interfered with.
6. After due consideration, the impugned order and the order of the Juvenile Justice Board are set aside and the revision petition 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 with specific direction that his guardian/ parents shall not allow the applicant to associate with any known criminal element.

Sd/-

(Rajendra Chandra Singh Samant)
Judge