

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1411 of 2019

- Rakesh @ Rakka Son of Sukhdeva Nanda, Aged About 16 Years, Through Natural Guardian of His Aunty Rajkumari Sonwani Wife of Ramesh Kumar Sonwani, Aged About 42 Years, Residence of Q.N. 796, Sector 5 Post and Thana Balkonagar, Tahsil and District- Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station - Balkonagar, District - Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Respondent

For Applicant– Shri Vikash Pandey, Advocate.

For State/respondent – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-12-2019

1. This revision has been brought challenging the legality, propriety and correctness of the order dated 12-09-2019 passed in Criminal Appeal No.52/2019 by the Court of the Additional Session Judge (F.T.C.) Korba, District Korba, 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 serious offence and also there is antecedent of similar offence against the applicant, 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 457, 380

411, 34 of the IPC in Crime No.79/2019 registered at Police Station Balkonagar, District Korba (C.G.).

6. The age of applicant is about 16 years. 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. Although the social status report of the applicant shows that the applicant has history of similar four other cases registered against him, but his possibility to associate with criminal elements can be curtailed by specific direction by this Court. 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 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