

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1416 of 2019

- Tulsi Ram Yadav S/o Sheboram Yadav, Aged About 18 Years, R/o Sahebin Kachaar, P. S. Payalikhand (Jugad), District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Collector, Gariyabandh, District Gariyaband Chhattisgarh.

--- Respondent

For Applicant– Shri Raza Ali, Advocate

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-12-2019

1. This revision being aggrieved by the judgment dated 17-10-2019 passed in Criminal Appeal No.32/2019 by the Additional Sessions Judge, Gariyaband dismissing the appeal filed by the applicant against the order of rejection by the Juvenile Justice Board.

2. It is submitted that the applicant is a juvenile with conflict with law. The learned Juvenile Justice Board and the appellate Court have only considered on the gravity of the offence, whereas, the provisions under Section 12 of the Juvenile (Care and Protection of Children) Act does not provide in this manner. Hence, the orders passed by the Board as well as the appellate Court are erroneous which are liable to be set aside and it is prayed that the relief be granted to the applicant.

3. Learned counsel for the State/respondent opposes the petition submitting that the applicant is charged with offence of abduction and rape and since occurrence of such offences are in rise, therefore, to give a lesson to the society the applicant should be kept in detention, hence, the revision is not fit to be allowed.

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

5. The applicant is charged with offence under Section 363, 366 and 376 of the IPC, Section 6 of POCSO Act and Section 3(2)(5) of SC/ST Act. On perusal of the statement given by the prosecutrix who is though a minor, but she had willingly accompanied and participated in all the events that have taken place. According to the social status report, the applicant is not engaged in studies, but there is no report that he is associated with criminal elements and there is no possibility of his further engaging in criminal activities. According to the provisions under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, the bail is rule, whereas, the rejection of bail is exception. I do not find this case to be under such exception, therefore, it was a fit case where the Court below should have granted bail to the applicant.

6. Therefore, this petition is disposed off at the motion stage. The impugned judgment of the appellate Court as well as 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.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge