

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1452 of 2019

Gilli @ Goller @ Sourabh Devdas S/o Sushil Devdas Aged About 17 Years R/o K.K. Ward Bhatapara, Thana- Bhatapara (Sahar), District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station- Bhatapara (Sahar), District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

For the Applicant	: Mr. Deepak Jain, Advocate
For Respondent/State	: Mr. Adil Minhaj, G.A.

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 4.11.2019 passed by the Learned First Additional Sessions Judge, Baloda Bazar, Chhattisgarh in Criminal Appeal No.97 of 2019 dismissing the appeal and upholding the order of the Juvenile Justice Board dated 25.9.2019 dismissing the application for grant of bail to the applicant.
2. It is submitted by learned counsel for the applicant that the learned Courts below have not considered 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. 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 social status report states that this applicant was involved in similar other crime also, therefore, it has been opined that for the purpose of his reform he should stay in the

Juvenile home for sometime. Therefore, the revision petition be dismissed.

4. Heard both counsel for the parties and perused the material available on record.
5. The applicant is being prosecuted for the commission of offence under Section 34(2) of the Chhattisgarh Excise Act. There is no such report that the applicant is being involved in any other case. In the social status report, it is mentioned that the conduct of the applicant is satisfactory and he is a member of Progressive Parivar and there is no possibility that he shall commit any offence again, but this report has been ignored by the Board as well as by the Appellate Court. Apart from that, the father of the applicant is a manual labour who is not accused in any offence. Therefore, if the applicant is released on bail, he shall live with his family and there is no apprehension of the applicant being associated with any criminal element. Hence, it is a fit case where the applicant should be granted bail.
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