

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1464 of 2019

Jagdish Yadav @ Golu S/o Chhotelal Aged About 15 Years Minor, Through Natural Guardian Father Chhotelal Yadav, S/o Late Chandulal Yadav, Aged About 58 Years, R/o Vaishnav Darbar Nahar Road, Sitamani, Police Station Kotwali, Tahsil And District Korba Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Collector Korba / Station House Officer, Police Station Kotwali, District Korba Chhattisgarh.

---- Respondent

For the Applicant	: Mr. Dharmesh Shrivastava, Advocate
For Respondent/State	: Mr. Chandra Bhushan Kesharwani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-12-2019

Heard.

1. This revision has been filed being aggrieved by the order of Appellate Court in Criminal Appeal No.71 of 2019 dismissing the prayer for grant of bail to juvenile. The applicant is being prosecuted for the commission of offence under Section 302 of the Indian Penal Code. The application filed by him under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 was dismissed by Juvenile Justice Board and the appeal filed against that order also has been dismissed.
2. It is submitted by counsel for the applicant that none of the Courts below has considered the social status report given in true perspective and the application and the appeal has been rejected only on the ground of gravity of offence which is not at all a matter for consideration and as such, the impugned orders are not sustainable. 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, father of the applicant himself is being prosecuted for the offences under Narcotics, Drugs and Psychotropic Substances Act, 1985, therefore, if the applicant is released on bail he will also assist his father, who himself is a criminal. Therefore, the revision petition be dismissed.
4. Heard both counsel for the parties and perused the material available on record.
5. Father of the applicant has so far not been convicted in any offence and apart from that, it is submitted that the father of the applicant is running a cloth shop. Therefore, there is no apprehension of the applicant shall be associated with any criminal element.
6. After due consideration, I am of this opinion that 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