

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1517 of 2019

- Adarsh Agrawal S/o Shatrughan Agrawal, Aged About 17 Years, Through Natural Guardian Shatrughan Agrawal, R/o Infront of Harsh Tower, Kamal Vihar, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Telibandha, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

--- Respondent

For Applicant– Shri Y.C. Sharma and Shri Sachin Nidhi, Advocates.
For State/respondent – Shri Sudeep Verma, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

20-12-2019

Heard.

1. This revision has been brought challenging the impugned order dated 11-11-2019 passed by the Court of 7th Additional Sessions Judge Raipur in Criminal Appeal No.516/2019 dismissing the appeal and upholding the order of the Juvenile Justice Board dated 17-10-2019 rejecting the bail application of the applicant.
2. It is submitted that the applicant is falsely implicated in this case. The victim of this case has not made any statement against this applicant in her statement under Section 164 of the Cr.P.C. regarding making any extortion by this applicant and also there is no allegation regarding commission of other offences against him. The learned Courts below have also not appreciated the evidence on record in proper perspective. The applicant is a student and his detention in remand home will definitely affect his education and future. The social status report was also in his favour. It is also submitted that the other juvenile co-accused Uttawal Tiwari, Vijayant Pandey and Aman Agrawal have been granted bail by the coordinate Bench of this Court in respective revision petitions filed by them. This applicant has a better case. Therefore, it is prayed that he may be

granted bail.

3. Learned counsel for the State/respondent opposes the petition submitting that this applicant had been the master mind in the commission of the offence in this case as he was the person who provided fake medical certificates of a juvenile co-accused Vijayant Pandey on the basis of which the extortion was made from the victim. Therefore, he is not entitled for grant of bail.

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

5. On perusal of the impugned order and the order of the Juvenile Justice Board, it is found that the learned Courts below have given more emphasis to the gravity of the offence. The social status report which is submitted is positive in all respects that the applicant is living in a disciplined family atmosphere and there is no possibility of his being associated with criminal elements in future. Therefore, the observation of the appellate Court that the application shall be exposed to moral, physical and psychological danger is uncalled for. Also for the reason that similarly placed juvenile in conflict with law have been granted bail by coordinate Bench of this Court, therefore, I am of this opinion that it is a fit case to interfere in the impugned order and the order of the Juvenile Justice Board.

6. 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge